United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, WEDNESDAY, JUNE 21, 2000 No. 79

House of Representatives

(Continuation of Proceedings of June 21)

1245

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4635, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New York?

There was no objection.

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

The SPEAKER pro tempore. Pursuant to House Resolution 525 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4635.

1245

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, January 20, 2000, the bill was open for amendment from page 57, line 22, to page 58 line 14.

Pursuant to the order of the House of that day, no further amendment shall be in order, except pro forma amendments offered by the chairman and the ranking minority member of the Committee on Appropriations or their designees and the following further amendments, which may be offered only by the Member designated in the order of the House or a designee, or the Member who caused it to be printed or a designee, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The following additional amendments, debatable for 10 minutes:

An amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding VA mental illness research;

An amendment by the gentleman from New Jersey (Mr. PASCRELL) regarding the VA Right To Know Act;

An amendment by the gentleman from New Jersey (Mr. SAXTON) regarding EPA estuary funding;

An amendment by the gentleman from Indiana (Mr. ROEMER) regarding the space station;

The amendments printed in the CONGRESSIONAL RECORD numbered 7, 8, 13, 14, 15, 17, 33, 41 and 43.

The following additional amendments debatable for 20 minutes:

An amendment by the gentleman from Texas (Mr. EDWARDS) regarding VA health and research;

The amendments printed in the CONGRESSIONAL RECORD numbered 23, 34, and 35; and,

The following additional amendments debatable for 30 minutes:

An amendment by the gentleman from Wisconsin (Mr. OBEY) regarding NSF;

An amendment by the gentleman from Georgia (Mr. COLLINS) regarding clean air;

An amendment by the gentleman from Florida (Mr. BOYD) regarding FEMA;

An amendment by the gentleman from Massachusetts (Mr. OLVER) regarding the Kyoto Protocol;

And the amendments printed in the CONGRESSIONAL RECORD numbered 3, 4, 24, 25, and 39.

The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,900,000,000, which shall remain available until September 30, 2002: *Provided*, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the ''Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits'' with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized.

Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: *Provided further,* That none of the funds made available in this or any prior Act 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 Loads, published in the Federal Register on August 23, 1999.

AMENDMENT OFFERED BY MR. SAXTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SAXTON:

Page 59, line 6, after the dollar amount insert ''(increased by $33,900,000)''.

Page 74, line 12, after the dollar amount insert ''(reduced by $33,900,000)''.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, January 20, 2000, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New York (Mr. WALSH) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. Chairman, the National Estuary Program has been a tremendous success, but is drastically underfunded. This year's appropriation provides approximately $18 million for this purpose, and it is inadequate to fund the National Estuary Program for the 28 estuaries that are included in the program.

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. OLVER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OLVER:

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

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

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

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

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

Mr. KNOLLENBERG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, my amendment is short and clear. It simply affirms the agreement which has been in effect the last 2 years after painstaking negotiations by the House, the Senate, and the executive branch in passing the fiscal 1999 VA–HUD bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1300

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

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

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

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

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

Mr. Chairman, I also agree with the gentleman from Wisconsin (Mr. OBEY) when he stated to the administration, ''You're nuts,'' upon learning of the fatally flawed Kyoto Protocol that Vice President GORE negotiated.

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

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

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

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

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

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

CONGRESS OF THE UNITED STATES,
Washington, DC, June 16, 2000.

Hon. C.W. BILL YOUNG,
Chairman, House Committee on Appropriations.

DEAR MR. CHAIRMAN. We write to express our strong support for the inclusion of the Knollenberg provision in the Foreign Operations and Commerce, State and Justice Appropriations bills for Fiscal Year 2001. This same provision has also been adopted in report language contained in the Subcommittee Report drafted by the Commerce, Justice, and State Subcommittee of the House Appropriations Committee.

As you know, the Administration negotiated the Kyoto Climate Change Protocol sometime ago but decided not to submit this treaty to the United States Senate for ratification. The Protocol places severe restrictions on the United States while exempting most countries, including China, India, and Brazil, from taking any measures to reduce carbon emissions. The Administration undertook this course of action despite unanimous support in the United States Senate for the Byrd-Hagel resolution calling for commitments by all nations to the Protocol and on the condition that it not adversely impact the economy of the United States.

We believe that the Knollenberg provision is required to preserve the Congress's authority to ratify treaties prior to their implementation. We are also concerned that actions taken by several Federal agencies, including the State Department and the Agency for International Development, constitute the implementation of this treaty before its submission to Congress as required by the

Constitution of the United States. The Knollenberg provision is required to block any further implementation of the proposed treaty by the executive branch until Congress addresses this matter. We wish to be clear that this provision will not in any way inhibit the ability of the Administration to negotiate international treaties or conduct the foreign policy of the United States. Rather, this provision seeks to preserve the proper consultation and review process with regard to international agreements that has been reserved to the Congress by the Constitution of the United States.

Thank you for your kind consideration of our request.

Sincerely,

BENJAMIN A. GILMAN.
F. JAMES SENSENBRENNER, Jr.

COMMITTEE ON COMMERCE,
Washington, DC, October 5, 1999.

Hon. DAVID M. MCINTOSH,
Chairman, Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, Committee on Government Reform.

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

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

Second, as to the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum correctly points out that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rept. 101–952, Oct. 26, 1990).

However, I should point out that Public Law 101–549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes some provisions, such as sections 813, 817 and 819–821, that were enacted as free-standing provisions separate from the CAA. Although the Public Law often refers to the ''Clean Air Act Amendments of 1990,'' the Public Law does not specify that reference as the ''short title'' of all of the provisions included the Public Law.

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

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

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

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 10, 2000.

Hon. GARY S. GUZY,
General Counsel, Environmental Protection Agency.

Dear Mr. Guzy: Thank you for your February 16, 2000 letter responding to our December 10, 1999 letter examining the Environmental Protection Agency's (EPA's) legal authority with respect to carbon dioxide (CO_2). After studying your answers to our questions, we are more convinced than ever that the Clean Air Act (CAA) does not authorize EPA to regulate CO_2. Indeed, we find it amazing that EPA claims authority to regulate CO_2 when the legislative history of the CAA—particularly in 1990—does not support such a claim and when Congress, since 1978, has consistently enacted only non-regulatory laws on climate change and greenhouse gases. Furthermore, some of your answers asserting that EPA has not yet considered certain basic legal issues are not credible.

To make clear why your February 16th letter has only reinforced our conviction that EPA may not lawfully regulate CO_2, we review below each of your answers in the order of the questions posed.

Your response to Q1 of our December 10th letter addresses an argument we pointedly and explicitly did not make and sidesteps the argument we did make. You write: ''As we stated previously, specific mention of a pollutant in a statutory provision is not a necessary prerequisite to regulation under many CAA statutory provisions.'' We agreed with this observation in Q3 of our October l4th letter and again in Q1 of our December 10th letter, where we acknowledge that the CAA sensibly allows EPA to regulate substances not specifically mentioned in the CAA when such regulation is necessary to ''fill in gaps'' in existing regulatory programs. Yet you repeat that observation as though we had taken the position that EPA may not regulate any substance unless it is listed in a regulatory provision of the CAA.

Our point was different, to wit: Congress was quite familiar with the theory of human-induced global warming when it amended the CAA in 1990; and, consequently, the fact that the CAA nowhere lists CO_2 as a substance to be regulated is ''evidence'' (note: we did not say proof) that Congress chose not to authorize EPA to launch a regulatory global warming mitigation program. EPA's assertion, that the absence of CO2 from all CAA regulatory provisions furnishes no evidence against EPA's claim that it may regulate CO_2, strikes us as unreasonable, especially in light of Congress' practice, in amendment after amendment to the CAA, of specifically designating substances for regulation.

In addition, we are troubled by the apparent implication of your statement, ''Congress did not in 1990 limit the potential applicability of any of the CAA regulatory provisions to CO_2.'' You seem to suggest that, if Congress did not expressly forbid EPA from regulating CO_2, EPA must be presumed to have such power. That implication, we think, contradicts the core premise of administrative law, namely, that agencies have no inherent regulatory power, only that which Congress intentionally and specifically delegates.

We do not find persuasive your response to Q2 of our December 10th letter, We asked, ''if Congress intended to delegate to EPA the authority to regulate greenhouse gases, why did it admonish EPA not to assume such authority in the only CAA provisions [sections 103(g) and 602(e)] dealing with CO_2 and global warming?'' You answer that those sections are nonregulatory, and that Congress ''would not intend the Agency to regulate substances under authorities provided for non-regulatory activities.'' You then conclude that the admonitory language of those provisions ''does not directly or indirectly limit the regulatory authorities provided to the Agency elsewhere in the Act.'' We agree that the admonitory language does not repeal by implication any existing authority provided elsewhere in the CAA. However, we do not agree that, when Congress enacted that language, it was merely affirming a tautology (i.e., nonregulatory authorities cannot authorize regulatory programs). It is far more likely that Congress meant to caution EPA against assuming an authority that does not in fact exist.

Please again recall the legislative history surrounding Title VI. When Congress enacted Title VI, it also rejected a Senate version known as Title VII, the ''Stratospheric Ozone and Climate Protection Act,'' which would have required EPA to regulate greenhouse gases. The admonitory language of section 602(e) states that EPA's study of the global warming potential of ozone-depleting substances ''shall not be construed to be the basis of any additional regulation under this chapter [i.e., the CAA].'' This is very significant because it means Congress was not content just to reject Title VII. Congress also thought it necessary to state in Title VI that it was in no way authorizing a greenhouse gas regulatory scheme.

The admonitory language of section 103(g) is also worth quoting. EPA's whole case boils down to the argument that section 103(g) refers to CO_2 as an ''air pollutant,'' and the CAA authorizes EPA to regulate air pollutants. This argument is incredibly weak. To begin with, under section 302(g) of the CAA, the term ''air pollutant'' does not automatically apply to any substance emitted into the ambient air. Such a substance must also be an ''air pollution agent or combination of such agents.'' EPA has never determined that CO_2 is an air pollution ''agent.'' More importantly, the admonitory language of section 103(g) is unequivocal: ''Nothing in this subsection shall be construed to authorize the imposition on any person of air pollution control requirements'' (emphasis

added). If nothing in section 103(g) shall be construed to authorize the imposition of air pollution control requirements, then the reference therein to CO_2 as a ''pollutant'' should not be construed to be a basis for regulatory action. EPA's case is further undermined by Congressman John Dingell's commentary on the legislative history connected with section 103(g). In his October 5, 1999 letter to Chairman McIntosh, Rep. Dingell wrote: ''While it [section 103(g)] refers, as noted in the EPA memorandum, to carbon dioxide as a 'pollutant,' House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory purposes.''

We find disturbing your response to Q3 of our December 10th letter. Citing the very passage of Chevron v. NRDC quoted by EPA in its December 1st letter, we asked whether there was not a vital, practical distinction between EPA's filling a ''gap left, implicitly or explicitly, by Congress'' in a ''congressionally created . . . program'' and EPA's creating new programs without express Congressional authorization. Your answers to Q3(a) and N do not acknowledge that EPA is in any meaningful way constrained by the distinction between filling gaps and creating programs.

In addition, we believe your answer to Q3(c) lacks credibility. We asked whether EPA's authority to control substances based upon their global warming potential ''is as clear and certain and unambiguous as EPA's authority to control substances based upon their impact on ambient air quality, their toxicity, or their potential to damage the ozone layer.'' Rather than acknowledge the obvious (i.e., EPA's regulatory authority with respect to CO_2 rests on a tortuous interpretation at best), you reply that ''EPA has not evaluated the strength of the technical and legal basis for such findings under any particular provision of the Act,'' because it has ''no current plans'' to regulate CO_2. While that statement is welcome assurance in light of the Knollenberg limitation, it leaves a void as to the legal basis for EPA's view of its authority.

Your answer to Q4 of our December 10th letter is similarly nonresponsive. We noted that, under CAA section 112(b)(2), EPA may not classify an ambient air pollutant like sulfur dioxide (SO_2) as a hazardous air pollutant (HAP) unless it ''independently meets the listing criteria'' of section 112. In Q4(a), we asked: ''What are the criteria for listing under section 112 that SO_2 and the other ambient air pollutants do not independently meet?'' Your reply corrects our formulation by pointing out that an ambient air pollutant may be listed as a HAP only if it is an ambient air pollutant ''precursor'' *and* ''meets the criteria for listing under section 112(b)(2).'' However, you did not state what those criteria are; you did not explain the specific difference between an ambient air pollutant and a HAP. In short, you did not answer our question. The reason, we suspect, is that a clear statement of the criteria that a substance must meet in order to be classified as a HAP would also make clear that CO_2 is unlike any of the substances currently listed as HAPs. That, in turn, would cast grave doubt on EPA's claim that section 112 is ''potentially applicable'' to CO_2.

Your response to Q4(b) implies that EPA may actually have greater flexibility to list CO_2 as a HAP than any section 108 (''ambient'') air pollutant, because CO_2 is not listed under section 108 and, thus, is not subject to the qualification that it be a ''precursor.'' We disagree. The ambient air pollution program is the foundation of the CAA. The fact that Congress and EPA did not list CO_2 under section 108 is evidence that CO_2 is not a ''pollutant'' in any substantive meaning of the word. The HAPs program deals with substances that typically are deadlier or more injurious than ambient air pollutants. However, even at many times current atmospheric levels, CO_2 is a benign substance compared to ambient air pollutants like lead, ozone, or SO_2. Tberefore, the fact that Congress and EPA never listed CO_2 as an ambient air pollutant is an argument against CO_2s ever being listed as a HAP.

Your responses to Q4(c) and (d) employ the same flawed reasoning. Section 112(b) provides that no ozone-depleting substance may be classified as a HAP ''solely due to its adverse effects on the environment.'' Noting this restriction, we asked: ''[D]oes it not stand to reason that no greenhouse gas may be listed solely due to its adverse environmental effect? Indeed, is not the exemption of greenhouse gases from listing under section 112 even stronger than that for ozone-depleting substances, inasmuch as the CAA nowhere expressly authorized EPA to regulate greenhouse gases?'' You replied: ''Since section 112 says nothing precluding the listing of greenhouse gases (or, for that matter, any other pollutants not regulated under Title VI) on environmental grounds alone, EPA does not agree with the conclusion in the last sentence of your question.'' Here again you come close to saying that EPA may lawfully do anything Congress has not expressly forbidden it to do. We would suggest that Congress did not need to exempt greenhouse gases from EPA's section 112 authority, because Congress never gave EPA authority to regulate greenhouse gases in the first place.

We regard your brief response to Q5 to be a tacit admission that the HAPs framework is unsuited to control substances that deplete the ozone layer. You comment that ''Congress included on the section 112(b)(2) list of HAPs several substances that deplete the ozone layer (e.g., methyl bromide, carbon-tetrachloride [CCL_4].'' However, this merely shows that some ozone-depleting substances (i.e., those that are carcinogenic, mutagenic, neurotoxic, etc.) independently meet the criteria for listing under section 112. It does not prove that EPA could act effectively to protect stratospheric ozone without new and separate authority (e.g., Title VI). We also note that, in Title VI, Congress did not declare any of the ozone-depleting substances to be an ''air pollutant.'' This suggests that EPA's authority with respect to ozone-depleting chemicals comes from a specific grant by Congress, not from a generalized authority to control substances emitted into the air.

We regard your answer to Q6 as nonresponsive. We pointed out that stratospheric ozone depletion is, by definition, a phenomenon of the stratosphere, not of the ambient air, and that it differs fundamentally from ambient air pollution in both its causes and remedies. We therefore asked: ''In light of the foregoing considerations, do you believe the NAAQS [National Ambient Air Quality Standards] program has any rational application to the issue of stratospheric ozone depletion?'' You responded: ''Since Title VI adequately addresses stratospheric ozone depletion, EPA has not had any occasion or need to undertake an evaluation of the use of the NAAQS program to address this problem.'' We believe that Congress' enactment of Title VI is further evidence that the CAA is a carefully structured statute with specific grants of authority to accomplish specific (hence limited) objectives, not an undifferentiated, unlimited authority to regulate any source of any substance that happens to be emitted into the air.

In Q7, we asked whether the NAAQS program, because it targets local conditions of the ambient air, is unsuited to address a global phenomenon of the troposphere, such as the supposed enhancement of the greenhouse effect by industrial emissions of CO_2.'' You replied: ''EPA has not reached any conclusion on this question because, as already noted, the Agency has no current plans to propose regulations for CO_4.'' We do not think it necessary for EPA to start a rulemaking in order to evaluate whether a particular portion of the CAA is suited to control CO_2 in the context of a global warming mitigation program. We regard your answer as a tacit admission that EPA is unable to rebut our argument.

In your answer to Q8, you state: ''There is nothing in the text of section 302(h) and we have found nothing in its history to support Mr. Glaser's speculation that the scope of that provision was limited to local or regional air pollution problems'' such as those arising from particulate pollution. We disagree. The text in question refers to the effects of pollution on ''weather, visibility and climate.'' As you note in your answer to Q12, CO_2 has never been ''associated with visibility concerns.'' Particulate pollution, on the other hand, can impair visibility as well as affect local or regional weather and climate. As to the legislative history, the source of the phrase ''weather, visibility and climate'' in the 1970 CAA Amendments would seem to be the National Air Pollution Control Administration's 1969 air quality criteria for particulates, which discussed the interrelated impact of fine particles on weather, visibility and ''climate near the ground'' (Air Quality Criteria for Particulate Matter, Jan. 1969). The climate effects referred to were not global but local and regional in nature. In any event, we find nothing in the text and legislative history of section 302(h) to suggest that Congress intended that provision to address CO_2 in the context of the issue of global warming.

In Q9, we asked whether the NAAQS program is fundamentally unsuited to address the issue of global warming, since there seems to be no sensible way to set a NAAQS for CO_2. For example, a NAAQS for CO_2 set below current atmospheric levels would put the entire country out of attainment, even if every power plant and factory were to shut down. Conversely, a NAAQS for CO_2 set above current atmospheric levels would put the entire country in attainment, even if U.S. coal consumption suddenly doubled. You replied: ''Since EPA has no current plans to propose regulations for CO_2, the Agency has not fully evaluated the possible applicability of various CAA provisions for this purpose. At this point in time, your question is entirely hypothetical.'' Whether ''hypothetical'' or not, our question points out that CO_2 does not seem to fit into the NAAQS framework. We regard your answer as a tacit admission that EPA has no idea how to set a NAAQS for CO_2 in the context of a global warming mitigation program.

In Q10, we noted that the attainment of a NAAQS for CO_2 would be impossible without extensive international cooperation, and that EPA had not yet determined whether CAA section 108 authorizes the designation of nonattainment areas where attainment cannot be achieved without international action. From these facts, we drew the reasonable conclusion that, until EPA determines that the CAA does grant such authority, it is ''premature'' for EPA to claim that section 108 is ''potentially applicable'' to CO_2. You replied: ''Section 108 of the CAA authorizes regulation of air pollutants if the criteria for regulation under that provision are met. EPA has not yet evaluated whether such criteria have been met for CO_2. Thus, at this time, we believe it is accurate to state that section 108 (and other CAA provisions authorizing regulation of air pollutants) are

'potentially applicable' to CO_2''. We disagree. The mere fact that EPA has not evaluated whether CO_2 meets section 108 criteria furnishes no evidence that section 108 is potentially applicable to CO_2.

Before examining whether CO_2 meets the criteria for regulation under section 108, EPA would first have to determine whether the CAA authorizes EPA to designate nonattainment areas where attainment cannot be achieved without international action. Also, as noted above, before examining whether CO_2 meets section 108 criteria, EPA would have to resolve the basic conceptual issue of whether setting a NAAQS for CO_2 is possible without putting the entire country either in attainment or out of attainment. Since EPA has not resolved these threshold questions, it is disingenuous to claim that section 108 is ''potentially applicable'' to CO_2. The most EPA can honestly say at this point is that it does not know whether section 108 could be found to be applicable to CO_2.

In Q11, noting that unilateral CO_2 emissions reductions by the United States would have no measurable effect on global climate change, we asked whether the NAAQS program can have any application to CO_2 outside the context of an international regulatory regime, such as the Kyoto Protocol, since CAA section 109(b) requires the Administrator to adopt NAAQS that are ''requisite to protect'' public health and welfare. You replied; ''The Clean Air Act does not dictate that EPA must be able to address all sources of a particular air pollution problem before it may address any of those sources. Rather, EPA may address some sources that 'contribute' to a problem even if it cannot address all of the contributors. For example, EPA was not precluded from addressing airborne lead emissions because there are other sources of lead contamination, some of which may be beyond EPA's jurisdiction. See Lead Industries Ass'n v. EPA, 647 F.2d 1130, 1136 (DC Cir. 1980).'' We agree that EPA may address some sources that contribute to a problem even if it cannot address all of the contributors. However, there is a fundamental difference between lead pollution and CO_2 ''pollution.''

As the D.C. Circuit Court of Appeals observed in the Lead Industries case, airborne lead is one of three major routes of exposure, the others being diet and accidental ingestion of lead objects by small children. Accordingly, setting a NAAQS for lead cannot provide comprehensive protection against lead pollution. However, setting a NAAQS for lead can significantly reduce exposure to airborne lead. Moreover, reducing airborne lead would also reduce the amount of lead in the nation's food supply—another major route of exposure. Therefore, it is possible to set a NAAQS for lead that is ''requisite'' to protect public health. In contrast, setting a NAAQS for CO_2 outside the context of a global treaty cannot significantly reduce (or even measurably slow the growth of) atmospheric concentrations of CO_2, particularly since China alone will soon overtake the U.S. as a source of greenhouse gas emissions. Thus, it is hard to imagine that a NAAQS for only one gas—CO_2—that applies only to the U.S. could satisfy the section 109(b) requirement that it be ''requisite'' to protect public health and welfare.

In Q12, we asked which provisions of the CAA apply to ''major stationary sources'' and ''major emitting facilities,'' and whether such provisions are among those EPA considers ''potentially applicable'' to CO_2. You explained that the regulatory requirements of Parts C and D of Title I and Title V of the CAA apply to major stationary sources and major emitting facilities. You also noted that, to be a major stationary source or major emitting facility, an entity must emit an air pollutant that EPA regulates ''pursuant to other provisions of the CAA (e.g., if it were a criteria pollutant under section 108).'' As you know, section 302(j) defines ''major stationary source'' and ''major emitting facility'' as any stationary facility or source that emits, or has the potential to emit, ''one hundred tons per year or more of any air pollutant.'' it is our understanding that several hundred thousand small and midsized businesses and farms individually emit 100 tons or more of CO_2 per year. Regulating CO_2, therefore, would dramatically expand EPA's control over the U.S. economy generally and the small business sector in particular. We are concerned that EPA has an enormous organizational interest in laying the legal predicate for future regulation of CO_2.

In Q13, we challenged EPA's reading of the Knollenberg funding limitation. We noted that there is no clear practical difference between issuing regulations for the purpose of reducing greenhouse gas emissions, which EPA claims is legal, and issuing regulations ''for the purpose of implementing . . . the Kyoto Protocol,'' which EPA acknowledges is illegal. Rather than speak to the substance of our concern, you refer to previous letters which, in our judgment, also sidestep that concern. We believe that EPA has once again failed to elucidate any criteria that would enable Congress, or other outside observers, to distinguish between legal and illegal greenhouse gas-reducing regulations under the Knollenberg limitation.

In your response to Q13, you also took issue with our understanding of the conditions on which the Senate agreed to ratify the Rio Treaty. We asked: ''[Would it not have been pointless for the Senate to have insisted, in ratifying the Rio Treaty, that the Administration not commit the U.S. to binding emission reductions without the further advice and consent of the Senate, if it were already in EPA's power to impose such reductions under existing authority?'' You replied: ''[T]he Senate insisted that the Executive Branch not commit the U.S. to a binding international legal obligation (i.e., a treaty obligation) without further advice and consent. The Senate's statement on this point has no bearing on the scope of existing domestic legal authority to address pollution problems as a matter of domestic policy, independent of any international legal obligations.'' We agree in part, and disagree in part. We agree that the Senate's statement referred to international obligations. Nonetheless, that statement does have a bearing on the. scope of EPA's authority.

A major reason for the Senate's instruction was the concern that the Administration might commit to an international agreement that imposes costly burdens on the U.S. and a few other countries while exempting most nations, including major U.S. trade competitors like China, Mexico, and Brazil, from binding emission limitations. Acting on this same concern, the Senate in July 1997 passed the Byrd-Hagel Resolution (S. Res. 98) by a vote of 95–0. Byrd-Hagel stated, among other things, that the U.S. should not be a signatory to any climate change agreement or protocol that would exempt developing nations from binding emissions limits.

Now, if the Senate is overwhelmingly opposed to a climate change treaty that would exempt three-quarters of the globe from binding obligations (even though they emit significant greenhouse gases), it is unthinkable that Congress would support a unilateral emissions reduction regime binding upon the U.S. alone. Simply put, when the Senate ratified the Rio Treaty, it did so with the understanding that the Executive Branch would not attempt via administrative action, executive agreement, or rulemaking to go beyond the Treaty's voluntary goals.

In Q14, we asked you to account for the fact that, although the Administration claims to regard the science supporting the Kyoto Protocol as ''clear and compelling,'' EPA apparently does not believe the science is strong enough to commence a ''formal scientific review process'' to determine the appropriateness of domestic regulatory action. Rather than explain how such seemingly inconsistent positions cohere, EPA simply asserts without explanation that there is no incongruity or contradiction.

In summary, with EPA's answers in hand, we are more convinced than ever that the CAA does not authorize EPA to regulate CO_2. As we have stated in previous letters, it is' inconceivable that Congress would delegate to EPA the power to launch a CO_2 emissions control program—arguably the most expansive and expensive regulatory program in history—without ever once saying so in the text of the statute. We also think it is obvious that the basic structure of the NAAQS program, with its designation of local attainment and nonattainment areas and its call for State implementation plans, has no application to a global phenomenon like the greenhouse effect. Furthermore, in view of the well-known fact that CO_2 is a benign substance and the foundation of the planetary food chain, we are appalled by the Administration's insistence that EPA might be able to regulate CO_2 as a ''toxic'' or ''hazardous'' air pollutant.

The CAA is not a regulatory blank check. The Administration's claim that the CAA authorizes regulation of greenhouse gas emissions can only serve to undermine Congressional and public support for legitimate EPA endeavors.

Sincerely,

DAVID M. MCINTOSH.
KEN CALVERT.

CO_2: A POLLUTANT?

The Legal Affairs Committee Report to the National Mining Association Board of Directors on The Authority of EPA to Regulate Carbon Dioxide Under the Clean Air Act.

(Fredrick D. Palmer, Chairman, Legal Affairs Committee)

(Peter Glaser, Barbara Van Zomeren, Doherty, Rumble & Butler, PA)

(Harold P. Quinn, Jr., Sr. Vice President & General Counsel, Bradford V. Frisby Assistant General Counsel, National Mining Association)

PREFACE

Fear of apocalyptic global warming centers on an increasing atmospheric concentration of carbon dioxide (CO_2) due to human activity. The United Nations' voluntary Framework Convention on Climate Change (the Rio Treaty) seeks to prevent ''dangerous human interference'' with climate. A successor treaty negotiated at the meeting in Kyoto, Japan in December 1997 (the Kyoto Protocol) would place the responsibility on developed nations to substantially cut their greenhouse gas emissions. What is really at issue in this debate is human reliance on carbon fuels as our primary source of energy.

Of course, the economic consequences are enormous for those countries who truly pursue the commitments established in Kyoto. The reduction of greenhouse gases means substantial constraints on economic prosperity—including, perhaps, reducing income, employment and output. These dire economic realities no doubt explain the administration's reluctance to inform the American people of the sacrifices they would be

called upon to make in order to fulfill the commitments made by U.S. negotiators in Kyoto. No less daunting is the task of explaining to Americans why they must accept such wrenching changes to their well-being when the evidence does not show that the increase in CO_2 levels attributed to human activity is responsible for a measured rise in global temperature, or, for that matter, that a warmer climate, if it did occur, poses the threat of an environmental catastrophe.

These realities pose substantial obstacles to both public and political acceptance of the Kyoto commitments. Notably, the administration has not submitted the Protocol to the Senate for ratification and, apparently, it has no plans to do so any time soon. Yet, the absence of this constitutional prerequisite to implementation has not deterred others in the administration from suggesting the (ab)use of administrative powers in order to secure the greenhouse gas emission cuts they agreed to in Kyoto.

Perhaps the most stunning suggestion in this regard is the Environmental Protection Agency's (EPA) claim that it currently possesses authority to sregulate CO_2 as a pollutant under the Clean Air Act. The characterization of CO_2 as a pollutant is, in a word, remarkable. After all, this benign gas is a limiting nutrient required for life on earth. To be sure, EPA's characterization of CO_2 as a pollutant and claim of regulatory powers over it are not the mere musings of a few wishful bureaucrats at the agency. The Administrator of EPA herself endorsed this view in congressional testimony on March 11, 1998. When pressed by members of Congress on the legal basis for this claim, the Administrator agreed to provide a legal opinion. A month later, EPA's general counsel supplied one that attempts to support the Administrator's claim.

The sweeping claim of regulatory powers over such a pervasive, yet benign, substance as CO_2 presents the prospect of unparalleled bureaucratic, legal and economic burdens imposed on the entire heart of the American economy—more than one million businesses of all sizes in most sectors. In view of the grave consequences posed by EPA's expansive claim of administrative powers, the National Mining Association's Board of Directors requested its Legal Affairs Committee to evaluate EPA's authority to regulate in this area. What follows is the Committee's report and analysis which concludes that, contrary to EPA's claim, the agency lacks authority under the Clean Air Act to regulate carbon dioxide emissions.

One need not be an expert on the Clean Air Act or, for that matter, a lawyer to comprehend the reasoning for this conclusion. Simply recall the bedrock principle upon which our system of government rests: the legislative branch makes the laws and the executive branch executes them. The corollary principle is, of course, that an agency's administrative powers are limited to the authority delegated by Congress. The analysis that follows probes this fundamental question.

The natural tendency of administrative agencies to swell their mission beyond the will of Congress as expressed in the law is, unfortunately, a product of our modern regulatory state. On occasion, this tendency is also accompanied by a callous disregard for the most basic of principles that undergird our system of government, as was the case not long ago when the White House challenged ''Congress [to] amend the Clean Water Act to make it consistent with the agencies' rulemaking.'' *See National Mining Association v. U.S. Army Corps of Engineers,* 145 F. 3d 1399 (D.C. Cir. 1998). If nothing else, this viewpoint should inform us that if we are to assure fidelity to the basic principles of our system of government, we must embrace the wisdom offered in Thomas Jefferson's suggestion that the price of liberty is eternal vigilance, and always follow Abraham Lincoln's recognition that the U.S. Executive Branch, under the Constitution, lacks the authority to ''make permanent rules of property by proclamation.''

EXECUTIVE SUMMARY

Soon after the negotiators returned from Kyoto last December with a protocol that mandates sharp reductions in greenhouse gas emissions by the United States and other developed nations, the Administrator of the Environmental Protection Agency (EPA) informed Congress that the agency already possessed authority to begin meeting the targets for emission cuts. Specifically, the Administrator claimed that carbon dioxide (CO_2) could be characterized as a pollutant and regulated by EPA pursuant to the Clean Air Act (CAA). At the request of the National Mining Association's Board of Directors, its Legal Affairs Committee evaluated this claim. After a comprehensive review of the language and structure of the CAA, its legislative history and other related laws, the analysis concludes that, contrary to EPA's claim, Congress did not provide EPA with such authority. Instead, Congress deliberately limited EPA's endeavors in this area to non-regulatory activities.

NMA's legal analysis probes the fundamental question of whether Congress intended to delegate to EPA the power to regulate CO_2 emissions. The analysis first demonstrates that the plain text of the statute fails to delegate such authority to EPA. Second, it examines each of the sections of the CAA cited by EPA in its legal opinion, and shows that EPA's attempt to regulate CO_2 is inconsistent with those very sections of the CAA. Third, the legislative history of the CAA is examined and shown to contradict EPA's position. Fourth, the analysis explains that other statutes and treaties support the inevitable conclusion that Congress did not want EPA to regulate CO_2 without additional legislation. Finally, the analysis cautions that even if Congress decided to authorize EPA to regulate CO_2 under the CAA, the agency would have great difficulty sustaining its burden of showing that CO_2 emissions endanger the public health and welfare.

There is no disputing the fact that the CAA does not explicitly state that EPA may regulate CO_2. Despite the longstanding debate about global warming, not one of the sections cited by EPA (or any other section) provides that the agency may regulate CO_2. In fact, the only sections of the CAA that even mention global warming or CO_2 emphasize that such emissions should be the subject of study, but not regulation.

The agency's legal opinion cites several provisions of the CAA (§§108–112, 115, 202(a) and 211(c)) that it contends are ''potentially applicable'' to confer EPA jurisdiction over CO_2. Even though the most direct evidence shows that Congress did not intend that EPA regulate CO_2, the agency hangs its tenuous claim on general language contained in the CAA. Such language, of course, cannot defeat the specific intent of Congress on the question of whether Congress intended for EPA to regulate CO_2 emissions. But, even if the statute were not clear that EPA cannot regulate CO_2, the regulatory structure of the sections cited by EPA are completely inconsistent with the regulation of a substance like CO_2 and therefore also compel a conclusion that EPA may not regulate CO_2.

One example of the general language in the CAA cited by EPA are the sections on criteria pollutants (§§108–109). Under these sections, EPA is authorized to establish National Ambient Air Quality Standards (''NAAQS'') to control national, statewide, and local pollution. However, these provisions, which are aimed at pollution that affects air quality locally or regionally, cannot even theoretically address the CO_2 concentrations that purportedly implicate an atmospheric phenomena of climate change on a global scale. Since Congress does not delegate regulatory authority to an agency to impose restrictions that are somehow calculated to serve an unattainable goal, Congress did not intend for EPA to regulate CO_2 using these sections of the law. Other examples abound, and the analysis discusses why the regulation of CO_2 does not fit within the regulatory scheme established by Congress. The extreme difficulty that EPA has in trying to force CO_2 into a regulatory scheme that does not fit provides further evidence that Congress never intended CO_2 to be regulated under what EPA says are ''potentially applicable'' sections of the CAA.

The legislative history of the CAA confirms NMA's conclusions. The CAA did not refer to CO_2 until the 1990 amendments were passed. in those amendments, Congress specifically debated and ultimately rejected proposals to allow EPA to regulate CO_2 emissions. Instead, Congress authorized EPA only to study certain greenhouse gases, not regulate them. By specifically considering this issue and resolving it against regulation, Congress clearly withheld from EPA any powers to regulate CO_2.

In determining the meaning of a statute, one may also consider related statutes on the same subject. Such related legislation can provide corroborating evidence of congressional intent. Such is the case here, since several laws and treaties support the conclusion that Congress did not delegate authority to regulate CO_2 to EPA. These include the Energy Policy Act of 1992, the Rio Treaty, the National Climate Program Act, the Global Change Research Act, and the Food and Agriculture Act of 1990. These laws have consistently rejected proposed measures to mandate restrictions on greenhouse gas emissions, and instead directed the executive branch agencies to study the matter and report back to Congress. Likewise, treaties have been consistently negotiated with the understanding that any binding emissions reduction targets would require Congressional approval.

EPA's claim has one further flaw. Even if Congress left to EPA's discretion the decision of whether to regulate CO_2 under the CAA, EPA would still be required to prove that CO_2 emissions cause harmful effects to the public health, welfare or the environment. Given the complexities and uncertainties over global warming, and the serious flaws in some of the fundamental evidence relied upon by global warming advocates, it is doubtful that EPA could support such a finding. A separate technical report that was prepared in conjunction with this legal analysis demonstrates that the available evidence does not support EPA's implicit assumption that increased levels of CO_2 would be detrimental to the public health and welfare.

In sum, the language of the CAA, its structure, its legislative history, and other related statutes all lead to the same conclusion: Congress has not delegated authority under the Clean Air Act for EPA to regulate carbon dioxide emissions.

INTRODUCTION

Carbon dioxide is a clear, odorless gas that appears naturally in the earth's atmosphere and is a fundamental component of life on earth. All animals (including human beings) inhale oxygen and exhale carbon dioxide, and plants take in carbon dioxide from the atmosphere as a part of photosynthesis and return oxygen to the atmosphere as a byproduct of the same process.

Carbon dioxide is also a naturally occurring ''greenhouse gas.'' The earth has a natural ''greenhouse effect'' in which heat from the sun is trapped below'the earth''s atmosphere and is partially prevented from re-radiating back into space. The greenhouse gases that cause this effect appear in trace amounts in the atmosphere and include water vapor (by far the most significant greenhouse gas), carbon dioxide, methane, nitrous oxides and stratospheric ozone. Without the naturally occurring greenhouse effect, the earth's climate would be far too cold to sustain life as we know it.

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

Some scientists believe that the increased levels of carbon dioxide in the atmosphere are enhancing the natural greenhouse effect to the extent that the world is facing a climatological Armageddon. These scientists believe that increasing atmospheric carbon dioxide will cause unprecedented warming of the Earth resulting in a variety of climatological disasters running the gamut from more storms and flooding to more drought and desertification.

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

Despite a variety of efforts by government and industry, the Clinton Administration's Climate Change Action Plan has not succeeded in reducing United States carbon dioxide emissions. There is now virtually no possibility that the Rio target will be met. Other countries similarly will fail to meet that target.

The Clinton Administration, nevertheless, wants to commit the United States and other developed countries to even more stringent emissions reductions than set forth in the Rio Treaty. In December of last year, the Administration entered into the Kyoto Protocol, which would require the country to meet binding targets and timetables for reducing carbon dioxide emissions significantly below 1990 levels before the end of the next decade.

As a treaty of the United States, the Kyoto Protocol cannot become legally binding on this country until ratified by a two-thirds vote of the U.S. Senate Prior to Kyoto, the Senate, by a 95–0 margin, adopted the Byrd-Hagel resolution in which the Senate expressed that it would not ratify any protocol that did not require substantive Third World participation and which would damage the U.S. economy. By the Administration's own admission, the Kyoto Protocol fails to achieve the first condition (and by any reasonable analysis fails to achieve the second condition as well). The Administration has not yet submitted the treaty to the Senate for its consent and states that it will not do so until there are meaningful commitments by Third World countries to reduce their carbon dioxide emissions.

The Administration has pledged that it will not implement the Kyoto Protocol unless it is ratified by the Senate. Nevertheless, in testimony before Congress, the Administrator of the U.S. Environmental Protection Agency (EPA) took the position that, even if the Kyoto Protocol is not ratified, the agency currently possesses authority under the Clean Air Act to regulate carbon dioxide emissions. Several weeks later, EPA produced a legal opinion by its then General Counsel, Jonathan Z. Cannon, to support EPA's claim of expansive authority in this regard.

The National Mining Association (NMA) Board of Directors asked its Legal Affairs Committee to evaluate whether EPA has the authority it now asserts. This legal analysis presents our report. We conclude that EPA does not have authority under the CAA to regulate the emission of carbon dioxide.

Our analysis begins with the fundamental inquiry of whether Congress intended to delegate to EPA the power to regulate carbon dioxide emissions. It is, of course, axiomatic that an agency's administrative powers are limited to the authority delegated by Congress. In order to ascertain congressional intent we employ the traditional tools of statutory construction including the language and structure of the statute as a whole, its legislative history, the history associated with congressional activities in this area, and, to some extent, other relevant statutes. This approach to discerning congressional intent is not only well-accepted, it is particularly appropriate where, as here, an agency takes an expansive view of the scope of its delegated authority.

The EPA general counsel claims that the scope of the agency's CAA regulatory powers extends to any substance that is an ''air pollutant'' which the Administrator determines endangers public health, welfare or the environment. According to the general counsel, carbon dioxide emissions fall within the general statutory definition of ''air pollutant.'' We need not debate this conclusion now since, as even the general counsel acknowledges, the inquiry does not end with the definition of ''air pollutant.'' A substance that may literally fall within the definition of ''air pollutant'' may not be regulated unless it also meets the standards for regulation under specific statutory criteria. Satisfaction of this threshold requirement includes not only a determination that a substance, here carbon dioxide, may cause adverse public health, welfare or environmental effects, but also that the statutory provision, or scheme, provides an appropriate and effective means for its regulation. The general counsel merely assumes that the former determination can be made, and wholly avoids evaluation of the latter consideration. Moreover, the general counsel's analysis is devoid of any consideration of congressional activity on this subject in the context of both the CAA and other relevant statutes that evince Congress' intent to withhold authority from EPA to regulate carbon dioxide emissions. In short, the general counsel's analysis is less than complete and, as a consequence, his conclusion that carbon dioxide emissions are within the scope of EPA's authority to regulate lacks substantive foundation.

It is our conclusion, grounded on what we believe is a more comprehensive approach to statutory construction, that the CAA does not provide EPA with authority to regulate carbon dioxide emissions. As discussed in more detail below:

1. The language of the CAA demonstrates the absence of agency authority to regulate carbon dioxide;

2. The regulation of carbon dioxide as a pollutant does not fit within the regulatory scheme created by Congress;

3. The legislative history of the CAA Amendments of 1990 confirms that EPA does not have authority to mandate restrictions on carbon dioxide emissions; and

4. Other Congressional enactments regarding potential global climate change demonstrate Congress' intent not to regulate carbon dioxide emissions.

In addition, we do not believe that the available evidence would support a finding that carbon dioxide emissions endanger the public health or welfare or the environment. The Greening Earth Society has released an October 12, 1998 report entitled ''In Defense of Carbon Dioxide: A Comprehensive Review of Carbon Dioxide's Effects on Human Health, Welfare and the Environment,'' prepared by the firm of New Hope Environmental Services, to accompany this legal analysis. The Greening Earth Society report rebuts the claim that increased levels of carbon dioxide are leading to a climatological disaster. Our legal analysis herein does not depend on the results of this technical report. Whether or not carbon dioxide emissions present a danger to the public health, welfare or the environment, EPA does not have authority to regulate that substance. Nevertheless, as shown in the Greening Earth Society report, there is no basis to conclude that carbon dioxide emissions are damaging the environment and every basis to conclude that such emissions are benefiting the environment.

ANALYSIS

I. THE LANGUAGE OF THE CLEAN AIR ACT DEMONSTRATES THE ABSENCE OF AGENCY AUTHORITY TO REGULATE CARBON DIOXIDE

We begin our analysis with an examination of the statutory language. A proper examination of the statutory text includes not only the language itself but the context of the language as it appears in the overall regulatory scheme created by Congress. Toward this end, a review of the detailed regulatory provisions of the CAA reveals that none of them mention carbon dioxide emissions or global warming. When Congress did speak directly to the issue, it did so solely in the context of non-regulatory activities such as research and technology programs. Accordingly, the text and structure of the CAA reveals Congress' deliberate choice to confine EPA's CAA endeavors on carbon dioxide to non-regulatory activities.

As part of our examination of the language and structure of the CAA, it is useful to refer to the historic context of both the debate surrounding global warming and congressional activities in this area. The theory that emissions of carbon dioxide and other greenhouse gases could possibly lead to a dangerous global warming has been under consideration in Congress since the late 1970's. During that period, proponents of greenhouse gas regulation have informed Congress on numerous occasions of the environmental catastrophe which, in their view, could result if no such regulation is undertaken. Indeed, EPA has taken the view that global climate change as a result of greenhouse gas emissions is the number one environmental issue facing the world today.

Of course, significant restrictions on emissions of carbon dioxide could have devastating consequences for our society. Carbon dioxide is the inevitable result of the combustion of fossil fuels, and the combustion of fossil fuels is far and away the most important source of energy for modern civilization. Because there is no even remotely feasible way of preventing carbon dioxide emissions when fossil fuels are combusted, carbon dioxide regulation means potentially severe reductions in the use of fossil fuels and far-reaching changes in the way society uses energy.

In view of this longstanding debate on the potential for global warming from greenhouse gas emissions, one would expect that any congressional authorization to address this concern through the CAA regulatory

scheme would be plainly expressed in the language of the statute. Congress is not in the habit of granting far-reaching authority to administrative agencies sub silentio. Yet nowhere in the CAA is there an explicit authorization for EPA to regulate carbon dioxide. Congressional silence on a matter of such significance is not unlike the ''watchdog [that] did not bark in the night.''

Our conclusion that the language of the CAA does not support EPA's claim of authority to regulate carbon dioxide need not rest upon congressional silence alone. The text of the statute demonstrates Congress' deliberate choice to limit EPA's endeavors on carbon dioxide to non-regulatory activities.

The CAA expressly provides authority to regulate numerous substances specifically referenced in the statute. For example, Sections 108 and 109 authorize EPA to regulate so-called ''criteria pollutants,'' which are explicitly listed and placed in the context of a specific scheme for their regulation. Section 112 directs EPA to designate and regulate hazardous air pollutants (''HAPs''), and lists no less than 190 specific such pollutants Congress determined are the most important to regulate. Similarly, Title VI of the CAA authorizes EPA to list and regulate substances which deplete the stratospheric ozone layer, and designates 53 substances to be so regulated. But neither global warming generally, nor carbon dioxide specifically, are mentioned anywhere in this prolific regulatory scheme developed by Congress.

To be sure, the CAA does contain references to carbon dioxide and global warming. However, the context in which these terms appear within the statutory scheme provides powerful guidance on congressional intent. The statute mentions carbon dioxide and global warming solely in the context of provisions that authorize their study, monitoring and evaluation of non-regulatory strategies. For example, CAA Section 103(g) lists carbon dioxide as one of several items to be considered in EPA's conduct of a ''basic engineering research and technology program to develop, evaluate and demonstrate nonregulatory strategies and technologies.'' Global warming is mentioned in CAA Section 602(e) which directs EPA to examine the global warming potential of certain listed substances that contribute to stratospheric ozone depletion. However, this provision—the only one in the statute that mentions global warming—is accompanied by an express admonishment that it ''shall not be construed to be the basis of any additional regulation under [the CAA].''

This examination of the statutory language in its context within the overall scheme of the CAA provides a more complete analysis than the EPA's general counsel's mechanistic approach whereby the agency simply bootstraps itself into carbon dioxide regulation through a broadly worded definition of ''air pollutant.'' To accept the analysis, proffered by EPA's general counsel is to presume a delegation of power merely by the absence of an express withholding of such power—a view plainly out of step with the principles of administrative law. The fundamental principles of statutory construction do not permit one to read into the CAA's detailed regulatory provisions greenhouse gases such as carbon dioxide that Congress deliberately left out. Congressional silence on carbon dioxide in this part of the CAA is audible. The intentions of Congress by such silence in the CAA's regulatory scheme become unmistakable with its deliberate choice to address global warming and carbon dioxide solely in the non-regulatory provisions of the statute.

This approach to evaluating the language within the overall statutory scheme leads us to conclude that, with respect to carbon dioxide, Congress has indicated that EPA's authority stops at the point of non-regulatory activities. Any claim that EPA currently possesses authority to regulate carbon dioxide emissions would extend the CAA beyond the scope intended by Congress.

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

A. Introduction

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

For the moment, we leave aside the question of whether the Administrator would be able to make the health, welfare or environmental effects determination the general counsel poses as singularly important, because his analysis is incomplete. For the purposes of this step of our analysis, our examination of those ''potentially applicable'' provisions discloses that they do not provide appropriate tools for the regulation of carbon dioxide emissions' purported effects on global warming. The fact that the regulation of carbon dioxide as a pollutant does not fit into the regulatory scheme established in the statute confirms the conclusion that its regulation by EPA under the CAA is not intended by Congress.

B. There is No Authority in the CAA to Regulate Carbon Dioxide as a Criteria Pollutant.

1. EPA's Authority to Designate Substances as Criteria Pollutants.—The EPA general counsel states that one potential source of EPA authority to regulate carbon dioxide emissions is CAA Sections 108, 109 and 110. These sections provide authority to EPA to establish, implement and enforce National Ambient Air Quality Standards (NAAQS) for what are known as ''criteria pollutants.'' Under CAA Section 108(a)(1), criteria pollutants are those substances which, in the judgment of the EPA Administrator, ''cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare'' and which are produced by ''numerous or diverse mobile or stationary sources.''

Once a substance is identified as a criteria pollutant, the Administrator is required under CAA Section 109 to publish primary and secondary NAAQS for each such substance. Primary NAAQS are ''ambient air quality standards the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health.'' Secondary NAAQS are standards ''requisite to protect the public welfare.''

Once NAAQS are established, a complex regulatory structure is triggered that mandates reductions of criteria pollutants in the ambient air to levels which protect the public health and welfare as set forth in the applicable NAAQS. Under CAA Section 107(d)(1)(B), within a defined period EPA is required to designate nonattainment, attainment and unclassifiable areas. Under CAA Section 110(a)(1), within three years after promulgation of a NAAQS, every state must ''adopt and submit to the Administrator'' a state implementation plan, or ''SIP,'' ''which provides for implementation, maintenance, and enforcement'' of the primary and secondary NAAQS. CAA Section 110(a)(2) provides a long list of SIP requirements designed to ensure that states will achieve the air quality required by the NAAQS. Similarly, CAA Section 172 provides EPA with extensive authority to ensure that nonattainment areas are brought into attainment ''as expeditiously as practicable.''

2. Congress Could Not Have Intended to Regulate Carbon Dioxide and Other Greenhouse Gases as Criteria Pollutants Because the Statutory Regime for Regulating Criteria Pollutants is Wholly Unsuited to Preventing or Mitigating Potential Global Climate Change.—The criteria pollutant regulatory structure described in the foregoing section is designed to apply to local air pollution in the sense that ambient concentrations of the pollution will differ from locality to locality, causing some localities to be designated as attainment areas and others as nonattainment areas. All of the substances which EPA has designated as criteria pollutants meet this framework. Lead, sulfur oxides, nitrogen dioxide, carbon monoxide, particulate matter and ozone concentrations in the air all present local air pollution problems that have resulted in discrete portions of the country being designated as nonattainment for each. Some of the pollutants (principally ozone) are blown downwind, causing EPA to seek to exercise authority in the CAA to require modifications in SIPs to prevent ozone formation in downwind states. But even ozone presents a local air pollution problem in that ambient ozone concentrations differ from locality to locality, resulting in the designation of discrete ozone nonattainment areas.

Emission controls implemented under the CAA criteria pollutant regulatory structure described above are designed to cure the specific cause of the local nonattainment problem. States in their SIPs select those types of controls ''as may be necessary'' to achieve attainment in designated nonattainment areas, and these types of controls may differ from state to state and from nonattainment area to nonattainment area depending on the particular problem being addressed.

As a result of the criteria pollutant statutory structure, ambient concentrations of each of the criteria pollutants have been steadily reduced through the application primarily of local controls but with upwind controls as well. Although not all localities designated as nonattainment have been brought into attainment, the criteria pollutant regulatory structure has achieved significant progress in reducing atmospheric concentrations of criteria pollutants and nonattainment. More importantly, while industry and environmental groups frequently have their disputes as to the exact requirements of the criteria pollutant regulatory structure, and the speed with which nonattainment can be cured, the fact remains that such regulatory structure is plainly designed to require local nonattainment areas to achieve attainment.

This statutory structure has no rational application whatsoever to a substance such as carbon dioxide, which is fundamentally different than any of the substances that EPA regulates as a criteria pollutant. Although groundlevel and lower atmospheric ambient concentrations of carbon dioxide may differ slightly from locality to locality owing to differing sources and sinks, the greenhouse effect results from overall greenhouse gas concentrations in the troposphere rather than at groundlevel. Tropospheric levels of carbon dioxide over any particular locality are not influenced by emissions of carbon dioxide locally or upwind. Carbon dioxide mixes in the troposphere globally through the natural processes of atmospheric circulation and air movement. Thus, ambient tropospheric carbon dioxide levels

in any one part of the world are roughly the same as in any other part of the world. As a result, one ton of carbon dioxide emitted in Washington, D.C., has the same effect on ambient tropospheric concentrations of carbon dioxide over Washington as a ton of carbon dioxide emitted in Bangladesh.

Moreover, carbon dioxide with anthropogenic (human) origins compromise only a small part of the greenhouse gases appearing in the atmosphere. In the first place, as stated, carbon dioxide is by no means the only anthropogenically emitted greenhouse gas. Other greenhouse gases emitted by man include methane, nitrogen oxides and chlorofluorocarbons, each of which has far greater heat trapping capacity per molecule than carbon dioxide.

Similarly, anthropogenically emitted greenhouse gases contribute only a minuscule amount of the greenhouse gases occurring in the troposphere. Water vapor occurring naturally in the atmosphere is the main greenhouse gas, contributing about 98% of the greenhouse effect. Similarly, naturally occurring sources of carbon dioxide far outweigh anthropogenic sources of carbon dioxide.

The United States itself is a leading source worldwide of anthropogenic carbon dioxide emissions. However, the United States contributes only about 22% of all anthropogenic emissions of greenhouse gases, and that number is projected to decline dramatically as the Third World industrializes. U.S. anthropogenic emissions of carbon dioxide thus are, and will continue to be, only a tiny fraction of the total sources—both anthropogenic and natural—of greenhouse gases in the atmosphere.

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

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

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

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

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

1. EPA authority under Section 111.—The EPA General Counsel opines that another potential source of authority to regulate carbon dioxide emissions would be CAA Section 111. CAA Section 111 provides EPA with authority to establish ''new source performance standards,'' or ''NSPS,'' for categories of sources which emit air pollutants. Unlike the NAAQS, NSPS requirements are direct emissions limitations that any plant to which such controls apply must meet as a condition of operation. NSPS are sometimes referred to as technology-based standards because they require installation of equipment that limits emissions from emitting sources and are not directly tied to the level of pollutants in the ambient air.

Under CAA Section 111(b)(1)(A), the Administrator shall designate a category of sources as subject to NSPS requirements if she finds that sources within such category ''cause . . . or contribute . . . significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.'' CAA Section 111(a)(1) defines ''standard of performance'' as: ''a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.''

2. EPA Is Without Authority to Regulate Carbon Dioxide Emissions under CM Section 111 Because There Are No Adequately Demonstrated Systems of Emissions Reduction that Would Limit Such Emissions from Stationary Sources.—Unlike the NAAQS, NSPS standards cannot be set at whatever level the Administrator determines is reasonably necessary to protect human health and welfare. The NSPS limitation must be set at a level that is ''achievable'' through ''the best system of emission reduction which . . . has been adequately demonstrated.''

The case law related to EPA determinations under CAA Section 111 has ''established a rigorous standard of review. . . .'' While an achievable standard need not be one already routinely achieved in the industry, any such standard ''must be capable of being met under most adverse conditions which can reasonably be expected to recur. . . .'' There must be ''some assurance of the achievability of the standard for the industry as a whole.'' ''An adequately demonstrated system is one which has been shown to be reasonably reliable, reasonably efficient, and which can reasonably be expected to serve the interests of pollution control without being exorbitantly costly in an economic or environmental way.''

As explained by the courts, the degree to which an adequately demonstrated system must be based on commercially available technology depends on how soon the standards will become effective. Because NSPS standards are generally applied to new, as yet unconstructed sources, the NSPS provision ''looks towards what may fairly be projected for the regulated future, rather than the state of the art at present, since it is addressed to standards for new plants—old stationary source pollution being controlled through other regulatory authority'' (i.e., CAA Sections 108 and 109). Where standards are put into effect to ''control new plants immediately, as opposed to one or two years in the future, the latitude of projection is correspondingly narrowed.'' Under this rationale, ''the latitude of projection'' would be narrowed even more were EPA to attempt to apply standards of performance to carbon dioxide emissions from existing stationary sources under CAA Section 111(d).

There are, however, no cost-effective systems of emissions control, either commercially available at the present time or even projected to be commercially available in the foreseeable future, for controlling carbon dioxide emissions from stationary sources that could conceivably meet the standards of CAA Section 111. As a result, CAA Section 111 cannot be applied to control stationary sources of carbon dioxide.

D. EPA Does Not Have Authority to Regulate Carbon Dioxide Emissions as Hazardous Air Pollutant.

1. EPA Authority under CAA Section 112.—The EPA General Counsel's opinion claims that EPA may have authority to regulate carbon dioxide as a hazardous air pollutant, or ''HAP,'' pursuant to CAA Section 112.[72] Under CAA Section 112(b), the Administrator is required to compile a list of HAPs, defined to include the 190 substances specifically listed in such subsection as well as:

''. . . pollutants which present, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects (including but not limited to, substances which are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acutely or chronically toxic) or adverse environmental effects, whether through ambient concentrations, bioaccumulation, deposition, or otherwise . . .''

Under CAA Section 112(c), the Administrator is further required to compile a list of categories of major sources and area sources of HAPs. Under CAA Section 112(d), the Administrator is required to promulgate regulations establishing national emissions standards for HAPs (NESHAPs) applicable to both new and existing sources. Such NESHAPs must require the use of maximum available control technology (MACT) in controlling sources of HAPs.

2. Carbon Dioxide is not a HAP Subject to EPA Authority under CAA Section 112.—The argument that carbon dioxide may be regulated as a HAP borders on the frivolous. Each of the 190 substances listed as HAPs under CAA Section 112 is a poison, producing toxic effects in small dosages. Carbon dioxide, by any stretch of the imagination, is not a poison. Moreover, if Congress had really intended that carbon dioxide be regulated as a HAP, it would have been exceedingly strange for it to have specifically named 190 of the

presumably most obvious and important HAPs in CAA Section 112 while omitting carbon dioxide, which is by many orders of magnitude more ubiquitous in the environment than any of the substances expressly listed.

In addition, the language of CAA Section 112 excludes regulation of carbon dioxide because that substance does not present either ''a threat of adverse human health effects'' or adverse environmental effects'' within the meaning of the section. With respect to health effects, the use of the phrase ''through inhalation or other routes of exposure'' in CAA Section 112(b) demonstrates that a substance may be a HAP only if it causes health impacts through direct exposure. It is the direct inhalation of the substance or other direct exposure to it that must cause the health effect.

The fact that health effects must be experienced from direct exposure is shown by the examples of such effects given in CAA Section 112(b): ''carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acutely or chronically toxic.'' Each of these is a health effect caused by direct exposure to a hazardous substance, whether that exposure is inhalation, ingestion or contact with the skin or sensory organs. It is also borne out by the list of substances which Congress predesignated as HAPs in CAA Section 112(b) each of which causes a health effect through a direct exposure.

Carbon dioxide in the amounts present and likely to be present in the atmosphere in the future do not cause health effects through inhalation or other direct exposure. The health effect typically postulated to occur as a result of global warming is the potential for an increase in tropical diseases. Such effect (even if true) would be, at best, highly indirect, caused by the reaction carbon dioxide and other greenhouse gases have in the atmosphere, which might warm the climate, which might make areas of the United States conducive to insects carrying tropical diseases, which might lead to an increase in such diseases. Such effect is completely unlike the health effects referred to in CAA Section 112.

Similarly, the effect carbon dioxide is argued to have on the environment is not caused by the direct interaction of carbon dioxide and animal or plant life but the indirect effect of carbon dioxide on the climate. The use of the terms ''bioaccumulation'' and ''deposition'' to describe the causes of environmental effects contemplated by CAA Section 112(b) demonstrates that Congress did not intend to regulate through CAA Section 112 effects not directly caused by the HAP itself. And, again, the effect greenhouse gases are asserted to have on the environment is nothing like the effect of the various chemicals included on Congress' pre-designated list of HAPs in Section 112(b), each of which causes a harm through direct exposure.

The legislative history of CAA Section 112 makes it abundantly clear that carbon dioxide cannot be considered to be a HAP. In distinguishing between the types of substances that are HAPs and the types that are criteria pollutants, the legislative history states that criteria pollutants are ''more pervasive, but less potent, than hazardous air pollutants.'' ''Hazardous air pollutants are pollutants that pose serious health risks. . . . They may reasonably be anticipated to cause cancer, neurological disorders, reproductive dysfunctions, other chronic health effects, or adverse acute human health effects.

Similarly, ''adverse environmental effect'' is defined in the legislative history as follows:

''Adverse environmental effects—The chemical is known to cause or can reasonably be anticipated to cause, because of: (i) its toxicity, (ii) its toxicity and persistence in the environment, or (iii) its toxicity and tendency to bioaccumulate in the environment,'' a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section.

As seen, carbon dioxide does not fit any of these standards. It is not a HAP that can be regulated under CAA Section 112.

E. EPA Does Not Have Authority to Regulate Carbon Dioxide Emissions under CAA Section 115.

The EPA general counsel also suggests that EPA may regulate carbon dioxide under CAA Section 115 regarding control of international air pollution. CAA Section 115(a) provides:

''Whenever the Administrator, upon receipt of reports, surveys, or studies from any duly constituted international agency has reason to believe that any air pollutant or pollutants emitted in the United States cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Administrator shall give formal notification thereof to the Governor of the State in which such emissions originate.''

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

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

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

The limited intent of CAA Section CAA 115 is also demonstrated in subsection (c), entitled ''reciprocity,'' which states that ''[t]his section shall apply only to a foreign country which the Administrator determines has given the U.S. essentially the same rights with respect to the prevention or control of air pollution occurring in that country as is given that country by this section.'' As can be seen, this section provides that the U.S. will not restrict emissions of pollutants causing injury to another country unless that country reciprocates. Such section has no logical application to the global warming phenomenon, where U.S. emissions are presumably harming every other country in the world. Such section could presumably be applied as to carbon dioxide emissions only if every other country reciprocated. That is a circumstance so unlikely to occur that it is impossible to believe that Congress intended that CAA Section 115 would be applied to a phenomenon such as global warming.

In any event, unless and until the Senate ratifies the Kyoto Protocol (and unless and until the Protocol is adopted by enough countries to enter into force), no country has given the U.S. any ''rights'' with respect to the control of carbon dioxide emissions within their borders. Even if the Kyoto Protocol enters into effect, if the U.S. does not become a party to it then the U.S. is not entitled to any ''rights'' thereunder respecting foreign countries that have.

In sum, CAA Section 115 cannot provide authority to regulate carbon dioxide emissions.

III. THE LEGISLATIVE HISTORY OF THE CAA AMENDMENTS OF 1990 CONFIRMS THAT EPA DOES NOT HAVE AUTHORITY TO MANDATE RESTRICTIONS OF CARBON DIOXIDE EMISSIONS.

A. Introduction.

The only provisions in the CAA that explicitly refer to carbon dioxide or global climate change were enacted as a part of the CAA Amendments of 1990. The legislative history of the 1990 Amendments confirms that Congress never intended to impose or authorize mandatory restrictions on carbon dioxide emissions.

During Congressional consideration of the 1990 Amendments there was a sharp dispute between those who believed that the time had come for the United States to impose mandatory reductions on carbon dioxide emissions and those that did not. The latter group prevailed. Congress specifically rejected proposals to authorize EPA to regulate emissions of carbon dioxide. The only carbon dioxide/global warming provisions adopted were non-regulatory.

As the Supreme Court has emphasized, ''[f]ew principles of statutory construction are more compelling than the proposition that Congress does not intend sub silentio to

* * * * *

with what were argued to be the related issues of stratospheric ozone depletion and global climate change.'' Title VII found that ''stratospheric ozone depletion and global climate change from continued emissions of chluroflurocarbons and other halogenated chlorine containing halocarbons with ozone depleting potential, and emissions of other gases, such as methane and carbon dioxide, imperil human health and the environment worldwide;'' and that ''emissions of other gases, such as methane and carbon dioxide, should be controlled.'' The legislation included as goals not just protection of the ozone layer but prevention of possible global warming as well:

''The objectives of this title are to restore and maintain the chemical and physical integrity of the Earth's atmosphere, to protect human health and the global environment from all known and potential dangers due to atmospheric or climatic modification, inciuding stratospheric ozone depletion, to provide for a smooth transition from the use of ozone depleting chemicals to the use of safe chemicals, products, and technologies that do not threaten the ozone layer, and to reduce the generation of greenhouse gases in order to protect the Earth's ozone layer and to limit anthropogenically induced global climate change . . .

''In order to achieve the objectives of this title, it is the national goal to eliminate atmospheric emissions of manufactured substances with ozone depleting potential as well as direct and indirect global warming potential, including chluroflurocarbons and other halogenated chlorine or bromine containing halocarbons with ozone depleting and global warming potential, to reduce to the maximum extent possible emissions of other gases caused by human activities that are likely to affect adversely the global climate and to provide for an orderly shift to

alternative, safe chemicals, products, and technologies. (Emphasis supplied.)''

In order to accomplish these goals, the Administrator would be required to publish priority and secondary lists of all manufactured substances ''which are known or may reasonably be anticipated to cause or contribute significantly to atmospheric or climatic modification, including stratospheric ozone depletion.'' The Administrator would also be required to promulgate regulations providing for the phase-out of substances on the lists. The legislation as reported also contained a modified version of the carbon dioxide tailpipe standards originally contained in S. 1630 as introduced. Consistent with these legislative requirements, the Senate Committee Report on S. 1630 contains a great deal of discussion on the need for the country to deal with the ''[t]wo distinct but closely related global environmental crises,'' that is, destruction of the ozone layer and potential global warming.''

The Senate adopted Title VII of S. 1630 as reported from committee almost without change.

C. House of Representatives Consideration.

The House CAA Amendment bill was H.R. 3030, introduced by Representative Dingell, Chairman of the House Energy and Commerce Committee to which the bill was referred. As introduced and as reported from Committee, the bill contained no terms dealing with stratospheric ozone depletion or global warming.

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

D. The Final Legislation.

The final legislation that emerged from the conference committee and became law contains a stratospheric ozone title that was a compromise between the House and Senate versions. However, the House version prevailed completely in eliminating the language in the Senate bill that would have authorized regulation of non-ozone depleting greenhouse gases such as carbon dioxide. Title VI as enacted did not include the Senate's language authorizing EPA to regulate ''manufactured substances'' in terms broad enough to cover both substances that deplete the ozone layer and substances that do not deplete the ozone layer but which affect global climate. Instead, CAA Section 602(a) as enacted requires the Administrator to list ''Class I'' and ''Class II'' substances that would be phased out pursuant to CAA Sections 605 and 606 These substances are defined as those which could affect the stratospheric ozone layer; nothing in the definition of such substances refers to global climate change. And there are no findings or purposes included anywhere in the CAA specifically regarding global warming or the need to regulate greenhouse gases, as there had been in the Senate bill.

In sum, the Senate in 1990 plainly saw the need to adopt amendments to the CAA to regulate greenhouse gas emissions. Yet all of the provisions proposed in the Senate dealing with global warming—the findings and purposes language and the ''manufactured substances'' language which were in the final Senate bill, as well as the authority to impose NSPS requirements for carbon dioxide on mobile, stationary and residential sources and the authority to impose carbon dioxide tailpipe standards which had been considered in the Senate Committee—were not enacted. Instead, only the non-regulatory provisions on global warming discussed above were enacted. No conclusion is possible other than that Congress determined that it did not intend to authorize regulation of greenhouse gases.

IV. OTHER CONGRESSIONAL ENACTMENTS REGARDING POTENTIAL GLOBAL CLIMATE CHANGE DEMONSTRATE CONGRESS' INTENT NOT TO REGULATE CARBON DIOXIDE EMISSIONS.

A. Introduction.

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

Congress' rejection of greenhouse gas regulation in the 1990 CAA Amendments has a detailed context stretching back to the late 1970s when the issue first arose. In the two decades since that time, Congressional committees have held dozens of hearings on the subject, and Congress has enacted a number of major items of legislation dealing with potential global climate change both before and after the 1990 CAA Amendments.

In all of this time, and with all of this intensive consideration, Congress has consistently rejected measures to restrict greenhouse gas emissions. As seen, Congress rejected efforts to amend the CAA to adopt such measures. It also rejected efforts to adopt such measures in the omnibus Energy Policy Act of 1992 (EPAct), and it rejected such efforts in other legislative vehicles as well. Instead, Congress has adopted legislation for various Executive Branch agencies to study the matter and report back to Congress. It has also declared it to be U.S. policy to participate in international negotiations regarding climate change that may eventually lead, if Congress so determines in the future, to a decision to authorize restrictions on U.S. emissions of greenhouse gases. In the meantime, pending further action, Congress has explicitly determined, through the Senate's ratification of the Rio Treaty, that the United States will not adopt binding or mandatory restrictions on greenhouse gas emissions.

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

B. The Energy Policy Act of 1992.

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

As with the 1990 CAA Amendments, the non-regulatory provisions of EPAct were adopted in lieu of proposals specifically to mandate restrictions on greenhouse gas emissions. For instance, Senator Wirth, in the 100th and 101st Congresses, introduced omnibus national energy legislation containing detailed findings and purposes language describing global warming as an imminent threat to mankind. Both bills would have established a national goal ''that the introduction into the atmosphere of C02 from the United States of America shall be reduced from 1988 levels by at least 20 per centurn by the year 2000 through a mix of Federal and State energy policies that are designed to mitigate the costs and risks, both economic and environmental, associated with meeting national energy needs while reducing the generation of carbon dioxide and trace gases and sustaining economic growth and development. Both bills would have required DOE to adopt a national energy plan designed to meet such goal.''' The plan would be required to include an action plan which DOE ''shall implement . . . to the maximum extent possible.'' None of these provisions, however, were included in EPAct.

Another proposal to regulate greenhouse gas emissions rejected by Congress in the debate over EPAct was the so-called Cooper-Synar bill. Cooper-Synar was originally introduced as H.R. 5966 in the 101st Congress and again as H.R. 2663 in the 102d Congress. The bill proposed to amend the CAA to prohibit operation of new stationary sources that emit 100,000 tons or more per year of carbon dioxide without obtaining offsets under a permit program to be established by EPA. It was opposed by the Bush Administration, which took the position during the debate on EPAct that the United States should undertake no actions regarding global warming other than those which would be economically justified for other reasons (the so-called ''no regrets'' strategy).

A much watered down version of Cooper-Synar was included as Section 1605 of EPAct, but only after its sponsors had assured Congress that any provisions of a binding or regulatory nature had been removed. As enacted, Section 1605 provides for *voluntary* reporting of greenhouse gas emission reductions, in contrast to the mandatory restrictions originally proposed. Section 1605 was offered as an amendment to H.R. 776, the bill that became EPAct, by Rep. Cooper'during the mark-up of that legislation in the House Subcommittee on Energy and Power. It was included in H.R. 776 as passed by the House but was opposed by the Administration in the Senate. Speaking in favor of Rep. Cooper's amendment on the floor of the Senate, Senator Lieberman (who co-sponsored the Cooper language in the Senate) stated:

''As a part of this energy bill, the Senator from Colorado [Mr. Wirth] who is on the floor now, and I, have prepared a simple amendment, virtually identical to one offered by Representative Jim Cooper to H.R. 776, the House energy bill, which [H.R. 776 without the Cooper amendment] was adopted unanimously on a bipartisan basis by the House Subcommittee on Energy and Power.

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

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

As can be seen, Congress chose to reject the original Cooper-Synar proposal which had included all the requirements that Senator Lieberman informed Congress were not included in the voluntary reporting proposal that was enacted, that is, goals and mandates, timetables, required emissions reductions and required offsets. Instead, Congress

adopted non-binding provisions as to greenhouse gases, consistent with the description of U.S. policy towards potential global warming enunciated in the House Report on H.R. 776, the bill that became law:

''The greenhouse warming title, together with the numerous provisions in the rest of the comprehensive energy bill, embodies the following basic approach: We should take cost-effective actions that will reduce greenhouse gas emissions (such as improving energy efficiency, facilitating coalbed methane recovery, and promoting renewable energy resources); we should analyze the important technical and policy issues that will enable us to make wiser decisions on more dramatic and possibly higher cost actions which should be taken only in the context of concerted international action.''

As with the 1990 CAA Amendments, the view of the global climate change issue that prevailed in the debate over EPAct did not include, and specifically rejected, mandatory restrictions on greenhouse gas emissions.

C. The Rio Treaty

As reflected in the 1992 Report of the House Committee on Energy and Commerce on the legislation that became EPAct, Congress has consistently resisted adopting mandatory restrictions of greenhouse gas emissions in part because Congress wished to address what was essentially an international issue in an international forum. Indeed, for all of the period during which such restrictions were being proposed in Congress, and particularly during debate of the CAA Amendments of 1990 and the 1992 EPAct, the issue of potential greenhouse gas restrictions was the subject of intense international negotiation. However, as the following discussion shows, those negotiations have never resulted in Congress approving, in a treaty or otherwise, binding restrictions on greenhouse gas emissions.

The U.S. Government has been extensively involved in international discussions concerning human impacts on the global climate at least since 1979 when the first conference of the World Meteorological Organization (WMO), the United Nations Environment Program (UNEP) and the International Council of Scientific Unions (ICSU) was held. After a number of additional international conferences during the 1980s, the Intergovernmental Panel on Climate Change (IPCC) was created to address the issue of climate change. The first of a number of IPCC meetings was held in Geneva, Switzerland in November, 1988 and was attended by thirty-five nations, including the United States. The IPCC produces reports on global warming science, potential environmental and economic impacts and potential response strategies. It also advises the International Negotiating Committee, (INC).

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

The Framework Convention calls for the U.S., on a non-binding basis, to reduce greenhouse gas emissions to 1990 levels by the year 2000. It was ratified by the Senate with the clear understanding that the reductions called for in the treaty are purely voluntary. As a part of the Hearings of the Senate Committee on Foreign Relations on the Framework Convention, the Committee submitted written questions to the Administration on various aspects of the Treaty. These questions and the Administration responses were included as an Appendix to the transcript of the Hearings of the Committee. In responding to these questions, the Administration represented that its responses could be considered to be ''authoritative statements for the Executive Branch.'' With respect to subparagraphs 2(a) and (b) of Article 4, which are the provisions containing the operative U.S. commitments as to targets and timetables for emissions reductions, the Administration stated:

''Neither subparagraph 2(a) nor subparagraph 2(b), whether taken individually or jointly, creates a legally binding target or timetable for limiting greenhouse gas emissions.

Similarly, the Report of the Senate Committee on Foreign Relations favorably reporting the Framework Convention states that:

''Article 4.2b establishes an additional reporting requirement for developed country parties, including those with economies in transition, requiring them to report on national policies and measures adopted pursuant to Article 4.2a, and on the projected impact of these measures on net emissions up to the end of the decade, with the aim of returning these emissions to their 1990 levels. This aim is in the reporting section of article 4.2 and is not legally binding.'' The Framework Convention was ratified by the Senate with the further understanding that the Administration could not agree to amendments of or protocols to the treaty creating binding emissions reduction commitments without the further consent of the Senate. The Senate Foreign Relations Committee Report states:

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

''The committee notes further that a decision by the executive branch to reinterpret the Convention to apply legally binding targets and timetables for reducing emissions of greenhouse gases to the United States would alter the 'shared understanding' of the Convention between the Senate and the executive branch and would therefore require the Senate's advice and consent.

The Framework Convention is perhaps the most authoritative statement of U.S. policy regarding greenhouse gas emissions. It represented years.of effort both domestically and internationally. The result of that effort is a plain statement directly antithetical to EPA's claim that it has discretionary authority to impose mandatory restrictions on greenhouse gas emissions. To the contrary, Congress clearly has refused to delegate such authority to the agency.

D. Other Congressional Action. on Global Warming.

Three other Congressional enactments regarding global warming bear mentioning because they each demonstrate Congress' intent to reserve for itself the decision on whether regulation of carbon dioxide emissions should be undertaken.

First, on December 22, 1987, Congress enacted its first legislation specifically targeting the global warming question, the National Climate Program Act. Congress chose not to enact restrictions on the emission of greenhouse gases. Instead, it explicitly recognized the need for an international approach to the global warming issue, and it recognized the need for further study of the issue. Towards this end, the Act provides for the Secretary of State to coordinate U.S. participation in international negotiations regarding global climate change. And it provides that the President, through EPA, shall be responsible for developing and proposing to Congress a coordinated national policy on global climate change.

Second, on November 16, 1990, Congress adopted the Global Change Research Act, providing for the President to establish a Committee on Earth and Environmental Sciences to coordinate a ten year research effort.

Finally, on November 28, 1990, as Title XXIV of the Food and Agriculture Act of 1990, Congress directed the Secretary of Agriculture to establish a Global Climate Change Program to research global climate agricultural issues and to provide liaison with foreign countries on such issues.

These enactments are consistent with the approach taken by Congress in the 1990 CAA Amendments, in EPAct and at Rio: study the issue and participate in international negotiations. However, no agency of the executive branch possesses authority to regulate on such matter.

E. The Kyoto Protocol.

The international community has continued negotiations on the global warming issue culminating in the Kyoto Protocol. The Kyoto Protocol would create legally binding mandates on certain countries, including the United States, to restrict greenhouse gas emissions by certain amounts as of certain dates. As stated, prior to the negotiation of the Kyoto Protocol, the Senate, by a vote of 95–0 passed a resolution stating that the Senate would not ratify any treaty absent meaningful participation from Third World countries and if the treaty would damage the U.S. economy. The Administration has not yet submitted the proposed protocol to the Senate for ratification pending further international negotiations. The Kyoto Protocol has no legal standing unless ratified by the Senate.

F. Sum as to Congressional Climate Change Legislation.

Through nearly two decades of debate on what may be the most important environmental issue of our time, Congress has consistently rejected efforts to regulate carbon dioxide emissions. Its intent could not be more plain: unless Congress acts, neither EPA nor any other agency has authority to restrict such emissions.

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

Our analysis above has examined whether the CAA is intended to regulate the changes to global climate that are assertedly resulting from a human-induced enhancement of the natural greenhouse effect. We stated at the outset that such analysis is not dependent on whether or not carbon dioxide emissions are, in fact, leading to dangerous climate change. We have shown that, even if, arguendo it could be demonstrated reliably that carbon dioxide emissions are leading to dangerous climate change, EPA nevertheless may not regulate such emissions under the CAA.

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

We are, of course, familiar with the deferential standards that apply when EPA is

making complex technical judgments relying on information ''from the frontiers of scientific knowledge.'' We are also aware that EPA, given the precautionary nature of the CAA, may regulate urder the ''endanger'' standard without definitive proof of actual harm.

On the other hand, deference to technical agency decisionmaking, does not trump the substantial evidence test as to agency factual determinations or the arbitrary and capricious standard as to policy decisions. EPA may regulate under the ''endangerment'' standard only where there is a finding of ''significant risk of harm.'' EPA must take a ''hard look'' at the evidence and engage in ''reasoned decision making.'' Moreover, EPA has a burden to demonstrate that its methodology is reliable, and such burden ''requires more than reliance on the unknown, either by speculation, or mere shifting of the burden of proof.'' The Greening Earth Society report shows that the evidence on which EPA would rely to show dangerous climate change as a result of carbon dioxide emissions cannot meet these standards.

Application of the arbitrary and capricious test is particularly important in judging the use by EPA of computer simulation models as the basis for a conclusion that carbon dioxide emissions are harming the public health, welfare or environment. Again, courts will defer to agency expertise in their reliance on computer models. But Courts will overturn agency decisionmaking where reliance on a computer model was arbitrary and capricious. In particular, oversimplifications in models can render an agency decision arbitrary. Similarly, agency decisionmaking will be deemed arbitrary where a model incorporates assumptions which are known to be wrong and which bear no rational relationship to known information concerning the data being inputted or the phenomenon being measured. Each step of an agency's analysis using a model will be examined to ensure that ''the agency has not departed from a rational course.'' Again, the Greening Earth Society report shows the many technical flaws in the computer models on which claims of a pending climate disaster are based. Use of these models to supply the technical justification to regulate carbon dioxide would be arbitrary. in sum, there is no basis for EPA to regulate carbon dioxide either as a matter of law under the terms of the CAA or as a matter of fact under the ''endanger the public health, welfare or environment'' standard.

CONCLUSION

The congressional testimony of the EPA Administrator that EPA currently has authority to regulate carbon dioxide, followed by the release of a legal opinion by its general counsel supporting the Administrator's claim, raises the question of whether EPA intends to move forward with carbon dioxide regulation. Our analysis shows that any such effort by EPA would be unlawful.

In particular, the plain language and structure of the CAA does not support an effort to regulate carbon dioxide. Similarly, the legislative history of the CAA and of the various Congressional enactments regarding carbon dioxide demonstrate Congress' express decision, based on years of explicit and detailed consideration of the matter, not to regulate in the area of carbon dioxide and potential climate change.

Proponents of greenhouse gas regulation have tried diligently through the years to obtain a different result. They have not been successful. Unless Congress provides the authority EPA plainly desires, the agency cannot regulate carbon dioxide emissions.

Dated: October 12, 1998. Prepared by: National Mining Association Legal Affairs Committee.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, April 10, 1998.

MEMORANDUM

Subject: EPA's Authority to Regulate Pollutants Emitted by Electric Power Generation Sources.

From: Jonathan Z. Cannon, General Counsel.

To: Carol M. Browner, Administrator.

I. Introduction and Background

This opinion was prepared in response to a request from Congressman DeLay to you on March 11, 1998, made in the course of a Fiscal Year 1999 House Appropriations Committee Hearing. In the Hearing, Congressman DeLay referred to an EPA document entitled ''Electricity Restructuring and the Environment: What Authority Does EPA Have and What Does It Need.'' Congressman DeLay read several sentences from the document stating that EPA currently has authority under the Clean Air Act (Act) to establish pollution control requirements for four pollutants of concern from electric power generation: nitrogen oxides (NO_X), sulfur dioxide (SO_2), carbon dioxide (CO_2), and mercury. He also asked whether you agreed with the statement, and in particular, whether you thought that the Clean Air Act allows EPA to regulate emissions of carbon dioxide. You agreed with the statement that the Clean Air Act grants EPA broad authority to address certain pollutants, including those listed, and agreed to Congressman DeLay's request for a legal opinion on this point. This opinion discusses EPA's authority to address all four of the pollutants at issue in the colloquy, and in particular, CO_2, which was the subject of Congressman DeLay's specific question.

The question of EPA's legal authority arose initially in the context of potential legislation addressing the restructuring of the utility industry. Electric power generation is a significant source of air pollution, including the four pollutants addressed here. On March 25, 1998, the Administration announced a Comprehensive Electricity Competition Plan (Plan) to produce lower prices, a cleaner environment, increased innovation and government savings. This Plan includes a proposal to clarify EPA's authority regarding the establishment of a cost-effective interstate cap and trading system for NO_X reductions addressing the regional transport contributions needed to attain and maintain the primary National Ambient Air Quality Standards (NAAQS) for ozone. The Plan does not ask Congress for authority to establish a cap and trading system for emissions of carbon dioxide from utilities as part of the Administration's electricity restructuring proposal. The President has called for cap-and-trade authority for greenhouse gases to be in place by 2008, and the Plan states that the Administration will consider in consultation with Congress the legislative vehicle most appropriate for that purpose.

As this opinion discusses, the Clean Air Act provides EPA authority to address air pollution, and a number of specific provisions of the Act are potentially applicable to control these pollutants from electric power generation. However, as was made clear in the document from which Congressman DeLay quoted, these potentially applicable provisions do not easily lend themselves to establishing market-based national or regional cap-and-trade programs, which the Administration favors for addressing these kinds of pollution problems.

II. Clean Air Act Authority

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

A. Definition of Air Pollutant

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

This broad definition states that ''air pollutant'' includes any physical, chemical, biological, or radioactive substance or matter that is emitted into or otherwise enters the ambient air. SO_2, NO_X, CO_2 and mercury from electric power generation are each a ''physical [and] chemical . . . substance which is emitted into . . . the ambient air,'' and hence, each is an air pollutant within the meaning of the Clean Air Act.

A substance can be an air pollutant even though it is naturally present in air in some quantities. Indeed, many of the pollutants that EPA currently regulates are naturally present in the air in some quantity and are emitted from natural as well as anthropogenic sources. For example, SO_2 is emitted from geothermal sources; volatile organic compounds (precursors to ozone) are emitted by vegetation; and particulate matter and NO_X are formed from natural sources through natural processes, such as naturally occurring forest fires. Some substances regulated under the Act as hazardous air pollutants are actually necessary in trace quantities for human life, but are toxic at higher levels or through other routes of exposure. Manganese and selenium are two examples of such pollutants. EPA regulates a number of naturally occurring substances as air pollutants, however, because human activities have increased the quantities present in the air to levels that are harmful to public health, welfare, or the environment.

B. EPA Authori!y to Regulate Air Pollutants

EPA's regulatory authority extends to air pollutants, which, as discussed above, are defined broadly under the Act and include SO_2, NO_X, CO_2, and mercury emitted into the ambient air. Such a general statement of authority is distinct from an EPA determination that a particular air pollutant meets the specific criteria for EPA action under a particular provision of the Act. A number of specific provisions of the Act are potentially applicable to these pollutants emitted from electric power generation. Many of these specific provisions for EPA action share a common feature in that the exercise of EPA's authority to regulate air pollutants is linked to a determination by the Administrator regarding the air pollutants' actual or potential harmful effects on public health, welfare or the environment. *See, e.g.,* sections 108, 109, 111(b), 112, and 115. *See also* sections 202(a), 211(c), 231, 612, and 615. The legislative history of the 1977 Clean Air Act Amendments provides extensive discussion of Congress' purposes in adopting the language used throughout the Act referencing a reasonable anticipation that a substance endangers public health or welfare. One of these purposes was ''[t]o emphasize the preventative or precautionary nature of the act, i.e., to assure that regulatory action can effectively prevent harm before it occurs; to emphasize the predominant value of protection of public health.'' H.R. Rep. No. 95–294,

95th Cong., 1st Sess., at 49 (Report of the Committee on Interstate and Foreign Commerce). Another purpose was ''[t]o assure that the health of susceptible individuals, as well as healthy adults, will be encompassed in the term 'public health,' . . . .'' *Id.* at 50. ''Welfare'' is defined in section 302(h) of the Act, which states:

''[a]ll language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being, whether caused by transformation, conversion, or combination with other air pollutants.''

EPA has already regulated SO_2, NO_X and mercury based on determinations by EPA or Congress that these substances have negative effects on public health, welfare, or the environment. While CO_2, as an air pollutant, is within EPA's scope of authority to regulate, the Administrator has not yet determined that CO_2, meets the criteria for regulation under one or more provisions of the Act. Specific regulatory criteria under various provisions of the Act could be met if the Administrator determined under one or more of those provisions that CO_2 emissions are reasonably anticipated to cause or contribute to adverse effects on public health, welfare, or the environment.

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

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

The Clean Air Act provisions relating to state programs do not authorize EPA to require states to control air pollution through economically efficient cap-and-trade programs and do not provide full authority for EPA itself to impose such programs. Under certain provisions in Title I, such as section 110, EPA may facilitate regional approaches to pollution control and encourage states to cooperate in a regional, cost-effective emissions cap-and-trade approach (*see* Notice of Proposed Rulemaking: Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone, 62 F.R. 60318 (Nov. 7, 1997)). EPA does not have authority under Title I to require states to use such measures, however, because the courts have held that EPA cannot mandate specific emission control measures for states to use in meeting the general provisions for attaining ambient air quality standards. *See Commonwealth of Virginia v. EPA*, 108 F.3d 1397 (D.C. Cir. 1997). Under certain limited circumstances where states fail to carry out their responsibilities under Title I of the Clean Air Act, EPA has authority to take certain actions, which might include establishing a cap-and-trade program. Yet EPA's ability to invoke these provisions for federal action depends on the actions or inactions of the states.

Technology-based standards under the Act directed to stationary sources have been interpreted by EPA not to allow compliance through intersource, cap-and-trade approaches. The Clean Air Act provisions for national technology-based standards under sections 111 and 112 require EPA to promulgate regulations to control emissions of air pollutants from stationary sources. To maximize the opportunity for trading of emissions within a source, EPA has defined the term ''stationary source'' expansively, such that a large facility can be considered a ''source.'' Yet EPA has never gone so far as to define as a source a group of facilities that are not geographically connected, and EPA has long held the view that trading across plant boundaries is impermissible under sections 111 and 112, See, e.g., National Emission Standards for Hazardous Air Pollutants for Source Categories; Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry, 59 Fed. Reg. 19402 at 19425–26 (April 22, 1994).

III. Conclusion

EPA's regulatory authority under the Clean Air Act extends to air pollutants, which, as discussed above, are defined broadly under the Act and include SO_2, NO_X, CO_2, and mercury emitted into the ambient air. EPA has in fact already regulated each of these substances under the Act, with the exception of CO_2. While CO_2 emissions are within the scope of EPA's authority to regulate, the Administrator has made no determination to date to exercise that authority under the specific criteria provided under any provision of the Act.

With the exception of the SO_2 provisions focused on acid rain, the authorities potentially available for controlling these pollutants from electric power generating sources do not easily lend themselves to establishing market-based national or regional cap-and-trade programs, which the Administration favors for addressing these kinds of pollution problems. Under certain limited circumstances, where states fail to carry out their responsibilities under Title I of the Act, EPA has authority to take certain actions, which might include establishing a cap-and-trade program. However, such authority depends on the actions or inactions of the states.

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

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

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

Mr. Chairman, the gentleman from Michigan has spent a considerable amount of time on this issue during the last 3 years, beginning with the conference report on the 1999 VA–HUD appropriation bill. The gentleman mentions today the necessity for clarity with regard to this issue, and suggests that there is a certain lack of clarity.

I would like to speak to that issue, because I respectfully disagree that there is anything unclear about the issue or about the agreement associated with the issue that was achieved in the context of the 1999 VA–HUD conference. In that conference it was made clear, to put it in simple turns, that the EPA or the United States Government could not, would not, under the terms of that conference report, and they acknowledged that they would not if there was nothing in the conference report, try to implement the Kyoto Protocol prior to its being ratified by the United States Senate, meaning that they would not engage in a rule-making proceeding to establish standards for American industry out of any requirement, any agreement, flowing out of the Kyoto Protocol.

In that agreement, Mr. Chairman, the gentleman from Michigan was very much a part of that negotiation. Subsequent to that, he has worked in the report language to modify that original report understanding. His modifications, unfortunately, would muddy the original agreement and would breach the ability of the Environmental Protection Agency, or any agency of the United States Government, to engage in international conferences and discuss this topic, this global warming topic, in a very general way or in a specific way.

Now, that does muddy the water, because that was never intended. We do not want to gag the Environmental Protection Agency. We do not want to prevent it from engaging developing economies around the world and encouraging them to incorporate increasingly strict emissions standards in their countries as their economies develop. We want to encourage them to do that.

Under the gentleman's language, unfortunately, he challenges the ability of any government agency to engage in those agreements. That is why the language of the gentleman from Massachusetts is clear, because it returns the understanding as it is set forth in the 1999 bill and report and eliminates all of the confusion created by the gentleman from Michigan's efforts subsequent to that time.

We want to prevent the Environmental Protection Agency from implementing, from engaging in any rule-making activity under Kyoto, and they do not want to do it anyway. We want them also to engage the world in this topic, so that the world can improve its environmental standards.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON), who has been a strong supporter and leader in this effort to bring about some sanity.

Mrs. EMERSON. Mr. Chairman, first I really want to commend the gentleman from Michigan (Mr. KNOLLENBERG) for the tremendous job he has done in taking the lead on this issue and also say that, as one who has been working fervently to make certain that the Kyoto Protocol is not implemented through the back door, I will say that I can live with this amendment, because I know that we are working in a bipartisan manner to ensure that the administration cannot implement the unratified Kyoto Protocol.

I, too, have some concerns about clarifying the meaning and intent of the exact language used in this amendment, and I am hopeful that as we work through the process in a bipartisan way, we can get this figured out, at least in conference. But let me say

for the record, Mr. Chairman, that the Senate does stand on record with the unanimous bipartisan vote of 95 to 0 that called on the administration not to sign the Kyoto Protocol, for lots of reasons, because it is going to harm our economy in rural America; because it lets off the hook some of our largest trade competitors, like China, India, Mexico and many others who, quite frankly, will in the next few years be competing with us on somewhat of a level playing field, but yet they will not have to abide by any of the emissions restrictions that this protocol would have us do here in the United States.

I am also worried because it is projected to throw about 2.5 million Americans out of work. In my rural district, this is a huge problem, because we, unlike the cities, are not experiencing the economic prosperity that others are seeing today.

So, meanwhile, in continuing our efforts to find political justification for this dangerously flawed treaty, the administration has been issuing these climate assessments that even the EPA says are nothing more than horror stories based on junk science. I want to make certain that we, in fact, do this the right way.

Mr. Chairman, I am willing, with the approval of the gentleman from Michigan (Mr. KNOLLENBERG), to accept this amendment; and I sure look forward to continuing to work with colleagues on both sides of the aisle to continue our bipartisan efforts to ensure that the administration does not implement through the back door the very dangerous Kyoto Protocol before the constitutionally required advise and consent of the United States Senate.

I thank the gentleman from Michigan very much for all his work.

Mr. OLVER. Mr. Chairman, I am happy to yield 2½ minutes to the distinguished gentleman from Maryland (Mr. GILCHREST).

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

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

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

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

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

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

1315

While it took millions of years to make a coal deposit, we are releasing the CO2 and other embedded elements in tens of years.'' What took nature millions of years to lock up as far as carbon dioxide is concerned, that greenhouse gas we are releasing in a matter of decades.

Will that have an effect on our climate? The answer is yes. Scientists agree that it is going to have an effect on our climate. Sure, there is a lot of dialogue, a lot of discussions about that, but that is the important thing. We need to discuss that issue.

So I support the gentleman's amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. PETERSON).

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

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

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

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

Now, I do not have time to get into detail, but we just heard from the last speaker about such agreement. More than half of the scientists in this country do not agree to the global warming concept. It is a debate that should continue. But there is not agreement out there. In fact, the evidence shows that most of the warming was preindustrial age, not since we have been into fossil fuels in the last few decades. This CO_2, this evil force that we are proclaiming, it is what is needed for plant life in this country. It is what makes vegetation grow. Vegetation makes the exchange from CO_2 to oxygen. It is part of the life chain.

Many of those who are crying scare tactics on this are also against cutting forests, but young growing forests are the best exchanger and absorb more CO_2 and give us more oxygen back. This is a debate that unfortunately has not happened in this Congress. But we continually hear the scare tactics that the seas are rising, the shorelines are going to disappear, and that this country is going to be in a disaster state.

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

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

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

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

In 1992, President George Bush signed an international agreement that required the U.S. to reduce our carbon dioxide emissions. Eight years later, the U.S. has failed even to make those moderate reductions. Instead, our greenhouse gas emissions have increased by more than 10 percent, and there is no end in sight.

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

Instead of fighting common sense solutions every step of the way, we

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

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

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

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

It wasn't always this way.

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

Eight years later, the U.S. has failed to make even those moderate reductions.

Instead our greenhouse gas emissions have increased by more than 10 percent, and there is no end in sight.

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

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

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

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

Some on the other side seem to favor a ''don't ask, don't tell'' policy on global warming.

Unfortunately, silence will not make this problem go away.

Each day, the scientific community becomes more united in the belief that greenhouse emissions have an effect on global temperature.

It now appears that the 1990s weren't just the hottest decade of the last century, but perhaps of the last millennium.

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

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

These companies have publicly stated their belief that greenhouse emissions directly affect our climate.

They have even called for cuts in emissions that are more stringent than those required by the Kyoto protocol.

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

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

Instead of fighting common sense solutions every step of the way, we should be improving our energy efficiency, encouraging voluntary reductions, and looking for the most cost effective ways to cut greenhouse gas emissions.

This amendment is a step in the right direction, and I urge my colleagues to support it.

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

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

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

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

The gentleman from Michigan (Mr. KNOLLENBERG) has 1½ minutes remaining, including the time to close; the gentleman from Massachusetts (Mr. OLVER) has 5½ minutes remaining.

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

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

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

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

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

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

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

Mr. Chairman, I support the Olver amendment.

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

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

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

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

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

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

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

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

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

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

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

Vote for the Olver amendment.

Mr. OLVER. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

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

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

In the last 2 years, we have had the Knollenberg amendment, which would prevent the administration from taking any action that is intended to implement the Kyoto protocol prior to ratification. What we fear now is that the Knollenberg amendment not be used to interfere with existing authorities and obligations under the U.N. Framework Convention on Climate

Change, the Clean Air Act, and the Constitution. The fear that I have is not that we are going to implement the Kyoto Treaty, but that the Knollenberg language will act as a gag rule on people who are trying to implement other existing laws. That is something that this Congress should not accept.

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

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

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

As I read the proposed amendment, it strengthens the committee position that ensures the administration will not implement the Kyoto protocol without prior congressional consent. This was a key element in the Byrd-Hagel resolution passed by the Senate in July of 1997. This congressional consent involves the Senate in its constitutional role regarding treaties and involves both Houses in approving and implementing legislation, regulation, programs and initiatives. The amendment clarifies that activities authorized under current law and funded by Congress will proceed.

Mr. OLVER. Mr. Chairman, I yield the remaining time on this side to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I rise in support of this amendment, because fundamentally, when it comes to climate change, the House should not adopt the posture of the ostrich. We are not compelled to act by the Kyoto Treaty. We are compelled to act by common sense, common sense to make sure by this amendment that we can move forward and do what the law already authorizes people to do, which is to continue to talk across the waters.

The Earth is heating up, and we are a cause. The northern hemisphere is the hottest it has been in 1,000 years. The 1990s were the hottest decade. The 3 hottest years in human history were 1995, 1997 and 1998. Glaciers are rapidly receding. Bird populations are disappearing. Why? Why? The answer is clear. Carbon dioxide levels in the atmosphere have gone up 30 percent since the preindustrial age. They will go up, and there should be no doubt about this. They will double, in fact, in the next 100 years unless this House pulls its head out of the sand and deals with climate change issues. That is a simple fact, and there is nothing to debate about that subject.

Every 6th grader in this country understands that if we double CO_2 layers in the atmosphere, we will substantially increase the temperatures in Chicago and heat deaths will increase in Chicago. That is not alarmist. Human life will continue to persist, but Maple trees may not in New England.

This House has got to act; the country understands that. Ford is moving, Chrysler is moving, British Petroleum is moving. We need to keep this country moving by a simple amendment that will continue to allow us to do what we need to do.

1330

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

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

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

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

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

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

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

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

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

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

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

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

OCTOBER 5, 1999.

Hon. DAVID M. MCINTOSH,
Chairman, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, Committee on Government Reform, Washington, DC.

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

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

Second, as to the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum correctly points out that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rept. 101–952, Oct. 26, 1990).

However, I should point out that Public Law 101–549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes some provisions, such as sections 813, 817 and 819–821, that were enacted as free-standing provisions separate from the CAA. Although the Public Law often refers to the ''Clean Air Act Amendments of 1990,'' the Public law does not specify that reference as the ''short title'' of all of the provisions included the Public Law.

One of these free-standing provisions, section 821, entitled ''Information Gathering on Greenhouse Gases contributing to Global Climate Change'' appears in the United States code as a ''note'' (at 42 U.S.C. 7651k). It requires regulations by the EPA to ''monitor carbon dioxide emissions'' from ''all affected sources subject to title V'' of the CAA and specifies that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a ''pollutant'' for any purpose.

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

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

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL,
Ranking Member.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

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

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

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

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,000,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

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

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,270,000,000 (of which $100,000,000 shall not become available until September 1, 2001), to remain available until expended, consisting of $630,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $640,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $11,500,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2002, and $35,000,000 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2002.

AMENDMENT NO. 14 OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, I offer amendment No. 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BILIRAKIS:

Page 62, line 2, under the heading, ''Hazardous Substance Superfund'', after ''2002'' insert ''; *Provided further*, That of amounts appropriated under this heading, $2,000,000 shall be available for purposes of the National Hazardous Waste and Superfund Ombudsman''.

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

Mr. NORWOOD. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. At the appropriate time, the gentleman from Georgia (Mr. NORWOOD) will be recognized.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

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

Mr. Chairman, my amendment No. 14 would create a specific line item of funding for the Office of the National Hazardous Waste and Superfund Ombudsman within the U.S. Environmental Protection Agency.

I am offering this amendment with the intent of asking for unanimous consent to withdraw it after Members who wish to be heard on this issue have had an opportunity to do so. I appreciate the willingness of the gentleman from New York (Chairman WALSH) and members of the Committee to work with me as this legislation moves forward to ensure adequate funding within the EPA budget for the Office of the National Hazardous Waste and Superfund Ombudsman.

I have experienced, Mr. Chairman, firsthand the Ombudsman's important work in connection with the Stauffer Superfund site located in my congressional district and my hometown, I might add, in Tarpon Springs, Florida. I invited the Ombudsman to conduct an independent review of the Stauffer site when it became apparent to me that many of my constituents felt that they were shut out of the process by the EPA.

For example, EPA initially failed to address local residents' concerns about the appropriate cleanup standard for arsenic. In addition, EPA has not conducted any sinkhole studies to determine if the proposed remedy, which includes consolidating the waste on-site into a capped mound, will remain intact should sinkholes develop. Sinkholes are common in the area, and should the proposed remedy fail due to sinkhole development, the waste could contaminate the drinking water of the local community.

The Ombudsman highlighted these concerns in town meetings I sponsored to discuss the proposed clean-up plan for the Stauffer site. Because of his actions, the EPA has amended the consent decree for the clean-up plan and has required additional studies.

However, something is clearly wrong at the EPA. While I have been assured publicly and privately by high-level EPA officials that they fully support the activities of the Ombudsman, their actions suggest a different attitude.

For instance, after I planned a June 5 public hearing with the Ombudsman, EPA officials threatened to withhold the necessary funding to continue his investigation in Tarpon Springs. With the help of the gentleman from Ohio (Mr. OXLEY) and the gentleman from Louisiana (Mr. TAUZIN), I was able to exact a guarantee from Administrator Browner that adequate funds would be provided for the Ombudsman's important work.

During that June 5 meeting, however, it became clear that EPA did not intend to cooperate with the Ombudsman's investigation. EPA Region IV representatives stated at the outset that they would make a brief presentation and take only 10 minutes of questions, and then they would leave, denying my constituents and the Ombudsman a chance to ask some very important questions about the revised consent decree.

In the middle of a question, Mr. Chairman, they stood and walked out without saying a word. I was outraged by the contempt displayed by these public servants toward the taxpaying public.

My amendment seeks to ensure that the Ombudsman has the adequate funding to continue his independent investigations. The amendment creates a specific line item of funding for the Office of the National Hazardous Waste and Superfund Ombudsman. Currently, funding for that office is not specifically designated within the VA–HUD appropriations act.

That line item will ensure sufficient resources are made available within the EPA's budget to allow the Ombudsman to continue to advocate on behalf of local communities afflicted with the Superfund sites.

The other amendment No. 13 that I intended to offer would establish a $2 million line item of funding while also expanding the statutory authorities of the Ombudsman to make them consistent with model standards for ombudsmen promulgated by the American Bar Association and other national organizations. These provisions are necessary to preserve the integrity and independence of their investigations and prevent interference by EPA officials for political purposes.

Because this amendment would be subject to a point of order as legislating on an appropriations bill, and because I do not want to waste the time of the assembly, I have decided not to offer it today. However, I want to reiterate how important it is that Superfund ombudsmen be allowed to continue to operate independently, underlined independently, of the very agency they often investigate.

Mr. Chairman, our constituents benefit enormously from these advocacy efforts. As we have learned in Tarpon Springs, Florida, it can be very difficult to overcome EPA intransigence. The ombudsmen are critical to give local communities a voice in the clean-up process. I urge all of my colleagues to protect the interests of their constituents in the Superfund clean-up process by supporting necessary funding for that office.

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

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

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

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

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

Mr. Chairman, I claim part of the time in opposition due to the fact that there is not enough time to discuss this very important issue, but I support the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. NORWOOD. I thank the gentleman.

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

I know that, in addition to be going asked to look at the IEl site, Mr. Martin has experienced any upswing in calls for his attention to similar sites across the country—in fact, he advised me in May that he is actively working on at least 25 sites.

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

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

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

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

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

This is an essential office that desperately needs funding.

$2 million will not bust that bank.

For a very, very modest investment, the taxpayers are getting a huge return.

I think the country is lucky to have the services of Bob Martin, the EPA Ombudsman.

He is highly competent, he is honest and he is effective.

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

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

There are many communities across the United States impacted by years of hazardous waste disposal. The very laws and agencies involved in cleaning up these very dangerous sites often become mired in legal tangles and

beaucratic inertia. The Office of the Ombudsman has been an ally of citizens to further insured that public health and the environment reman at the forefront in clean up decisions at Superfund sites. The Ombudsman also plays an important role regarding oversight of the EPA, ensuring that harmful decisions are corrected and that information surrounding Superfund sites is available for the public.

In my district, the Office of the Ombudsman was useful in investigating the Shattuck Waste Disposal Site in Denver. The Ombudsman redirected EPA's focus by fostering greater public participation in EPA's decision to allow radioactive waste to remain in an urban neighborhood. To better protect public health and the environment, I believe it is appropriate that the Office of the Ombudsman receive adequate funds to sustain their mission of advocating for substantive public involvement in EPA decisions.

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

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $79,000,000, to remain available until expended.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,176,957,000, to remain available until expended, of which $1,200,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $8,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $1,068,957,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: *Provided*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001 and prior years where such amounts represent costs of administering the fund, to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration of the fund: *Provided further*, That notwithstanding section 518(f) of the Federal Water Pollution Control Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: *Provided further*, That notwithstanding any other provision of law, all claims for principal and interest registered through any current grant dispute or any other such dispute hereafter filed by the Environmental Protection Agency relative to construction grants numbers C–180840–01, C–180840–04, C–470319–03, and C–470319–04, are hereby resolved in favor of the grantee.

POINT OF ORDER

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

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISION

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,150,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,900,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,661,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which $5,500,000 shall be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; of which $30,000,000 shall be transferred to the ''Flood map modernization fund'' account; and up to $50,000,000 may be obligated for pre-disaster mitigation projects and repetitive loss buyouts (in addition to funding provided by 42 U.S.C. 5170c) following disaster declarations.

1345

AMENDMENT OFFERED BY MR. BOYD

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

The Clerk read as follows:

Amendment offered by Mr. BOYD:

Page 66, line 18, after the dollar amount, insert the following: ''(increased by $2,609,220,000)''.

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

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

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

The Chair recognizes the gentleman from Florida (Mr. BOYD).

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

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

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

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

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

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

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

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

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

I urge my colleagues to do what is right for their constituents. I urge the gentleman from New York (Mr. WALSH) to not insist upon his point of order.

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

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

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

Mr. COBURN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment.

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

There was no objection.

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

Mr. Chairman, I want to thank the gentleman from Florida (Mr. BOYD) for bringing up this issue because the American public needs to be informed on how we are operating.

What the gentleman from Florida is really saying is we are playing a smoke and mirrors game as far as emergency funding in this country, and that, in fact, we have spent more than $2.7 billion each of the last 5 years on emergency, yet we fail to plan for the rainy days for the constituencies that we have in this country and for the emergencies that they face. His point is a good one. We should, in fact, be budgeting within the 302(b)s and within the budget of this Congress.

Now, let us talk about why it is not. The reason it is not in there is because when we are all said, done, and through this year, we will reach back into year 2000 money and pay for emergency spending and not have to account for it. Until we get new updates, what we will really be taking that money from is Medicare. That money will come from Medicare.

So I want to commend the gentleman from Florida. I think his point is right on. We need to be budgeting as a part of the budget process, and we need to be appropriating yearly this amount of money. It comes with being part of the fiscal discipline and the budgetary process that is open and honest. This one is not.

What we are going to do with FEMA and how we are going to fund it to you, we all know we will fund it, the question is will we fund it honestly or will we reach back and claim the surplus last year and then steal the money, not tell the American public that the money that is going to be spent in fiscal 2001 is actually their 2000 that we, at one time, called a surplus.

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

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

Mr. WALSH. I do, Mr. Chairman.

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

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

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

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

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

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

Mr. WALSH. I do, Mr. Chairman.

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

Mr. WALSH. Mr. Chairman, I thank the gentleman from Oklahoma for yielding to me.

Mr. Chairman, I do reserve the point of order. I just wanted to explain that both of these gentleman are right. We should appropriate these funds through the proper, through the normal appropriations process, and we do need to have funds in the pipeline available. The reason that we did not appropriate additional emergency funds in this bill is because there are currently $2 billion in the pipeline. The money is there. It is available. If this year continues to

proceed as it has, those funds will be available through the fall into the spring. Will we do another emergency supplemental in the spring? I would suspect we will. We seem to do one every year. But the fact of the matter is we did not appropriate additional funds because we have money in the pipeline to deal with an emergency.

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

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

Mr. Chairman, I would just make one final point. If in fact we need $2.9 billion and there is $2 billion in the pipeline, then $900 million out of this appropriation bill should have been set aside, appropriated for that purpose, and it was not. It was not because we know we can reach back. It is easier to spend your money, Mr. Taxpayer, Mrs. Taxpayer, than it is to not spend it. That is why, in fact, it is not.

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

Mr. BOYD. Mr. Chairman, I ask unanimous consent to claim 30 seconds of the time that I have yielded back.

The CHAIRMAN. The Chair will reclaim 30 seconds for each side.

The gentleman from Florida (Mr. BOYD) is recognized for 30 seconds.

Mr. BOYD. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to thank the gentleman from New York (Mr. WALSH) who I think is one of the outstanding Members of this body and does a great job as chairman. I would like to say that the $1.7 billion that is in the pipeline now for FEMA, we have talked to FEMA about that. They expect that that will probably last through the end of the fiscal year and maybe through the end of the calendar year. But they expect soon after the end of this calendar year that they would be very nervous if we did not fill this pipeline again.

Mr. ETHERIDGE. Mr. Chairman, I rise to highlight one of the most egregious problems in this severely deficient VA–HUD appropriations bill.

Earlier today, my good friend Mr. BOYD, offered an amendment to increase funding for the Federal Emergency Management Agency by $2.7 billion dollars, and match the President's budget request for this agency.

Incredibly, when our Nation is facing potentially one of the worst hurricane seasons ever to be recorded, the majority party instead proposes to cut funding for FEMA, the agency that responds to such disasters.

For those Members whose memories are short, let me remind them that in my state last year, nearly 60 people lost their lives and more than $6 billion dollars in damage occurred in the space of a month, due to hurricanes.

My state is still suffering from the after effects of Hurricanes Dennis, Floyd and Irene, and we are still working to get emergency assistance from Congress.

The other side says: let's not have money in the pipeline, ready to come to aid of any part of America that suffers a disaster.

Instead, they say, we'll just take care of it in a supplemental, even though it may mean a delay of months before the assistance can be delivered.

Victims of Hurricane Floyd in North Carolina still reside in temporary housing, and it grieves me to think they could be hit by another hurricane before they have an opportunity to finally leave their current shelters.

The striking down of the Boyd amendment calls into question certain priorities being set by the other side.

Do we want to have the funds available when disaster strikes, or do we want to make sure we have enough money to give a $1 trillion dollar tax cut?

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

POINT OF ORDER

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

I ask for a ruling from the Chair.

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

The amendment offered by the gentleman from Florida (Mr. BOYD) would increase the level of new discretionary budget authority in the bill. Because of the attending emergency designation, the amendment automatically occasions an increase in the section 302(a) allocation to the Committee on Appropriations, but it does not occasion an automatic increase in the section 302(b) suballocation for the pending bill.

As such, the amendment violates section 302(f) of the Budget Act.

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

The Clerk will read.

The Clerk read as follows:

Notwithstanding any other provision of law, the foregoing amounts 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*, 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.

POINT OF ORDER

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

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

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

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

The Clerk will read.

The Clerk read as follows:

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,295,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $19,000,000.

In addition, for administrative expenses to carry out the direct loan program, $420,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $190,000,000.

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

Mr. Chairman, I yield to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Chairman, on May 12, 1998, 17-month-old Daniel Keysar of Chicago, Illinois was strangled to death when a portable crib at a day care center collapsed on his throat. Just 3 months after that, 10-month-old William Curan of Fair Haven, New Jersey suffered the same fate. At least 13 children have died in these types of portable cribs.

These are tragic deaths, Mr. Chairman, causing inexpressible sorrow to the parents. They did not have to happen. The portable cribs in which these infants died had ben recalled 5 years earlier, but nobody knew. Despite efforts of the Consumer Product Safety Commission to notify the public of the dangers posed by these cribs, over 1.2 million may still be in use today.

Mr. Chairman, the Consumer Product Safety Commission handles recalls of defective products and would make information about these recalls more accessible to the public. Specifically, we are seeking to establish a comprehensive Consumer Product Safety Commission listing all of the children's products subject to recall or corrective action over the last 15 years. It would strengthen the Consumer Product Safety Commission's ability to notify consumers of truly dangerous products and

would enable the CPSC to monitor the effectiveness of product recalls.

1400

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

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

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

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

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

Mr. Chairman, I also share the gentleman's concerns. We can certainly try to address this issue in the conference with the other body, and I appreciate the gentleman raising the issue. It is particularly poignant, and it certainly does need to be addressed; and I hope we can address it in conference. I appreciate the gentleman bringing it to our attention.

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

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

Mr. WALSH. I do, Mr. Chairman.

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

I rise, along with my colleague, the gentleman from California (Mr. ROGAN), who shares representing Pasadena, California, to bring to the attention of my friend, the gentleman from Syracuse, New York, some concerns I have about efforts in the other body to transfer away from Pasadena's Jet Propulsion Laboratory some of its important functions. I believe these efforts are unjustified and that they would hinder the ability of NASA to carry out its very important scientific mission.

As the gentleman knows, the Jet Propulsion Laboratory is the lead U.S. center for unmanned exploration of the solar system. JPL has led the world in exploring the solar system with robotics spacecraft by visiting all known planets except Pluto. Over the last several years, JPL has saved taxpayer money by turning to outside vendors, wherever appropriate, and reducing its workforce by almost 30 percent from its 1992 high.

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

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

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

Now, Mr. Chairman, on behalf of my colleague who chairs the Subcommittee on Defense of the Committee on Appropriations, the gentleman from California (Mr. LEWIS), who is very supportive of this effort, I would like to say that we strongly agree, as I know my colleague, the gentleman from California (Mr. ROGAN), does, with this report that has come out. It has come to my attention that our friends in the other body may be seeking to direct NASA to transfer these functions to the CSOC contract despite the findings that came out in NASA's report. This action would be devastating to NASA's space exploration program as well as to the men and women who serve this Nation at the Jet Propulsion Laboratory.

Mr. Chairman, I would ask that the gentleman from New York (Mr. WALSH) and his fellow House conferees strongly oppose any attempt to cripple NASA's planetary exploration program by transferring essential aspects of JPL to an outside contractor.

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

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

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

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

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

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

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

Mr. DREIER. I yield to the gentleman from California.

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

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

The CHAIRMAN. The time of the gentleman from California (Mr. DREIER) has expired.

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

Mr. DREIER. Mr. Chairman, I continue to yield to the gentleman from California (Mr. ROGAN).

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

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

So, once again, I want to urge the subcommittee Chairman, in his dealings with the other body, to do as the Chairman of the Committee on Rules has suggested. Let us keep this where

the knowledge is founded, and in doing so we help not just our Nation but our economy, as well as continuing to get the incredible advancements we have had in space exploration.

Mr. DREIER. Reclaiming my time once again, Mr. Chairman, I thank my friend for his contribution and his strong commitment to addressing this very, very important national need.

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

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

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

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

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

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

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

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

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

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

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

TIME/LTM was initially funded at $2.4 million in 1992, but was cut to $1.1 million in 1995 and received only $900,000 last year. Mr. Chairman, I believe that the dwindling budget for TIME/LTM and EPA's attempts earlier this year to cut funding for cloud water monitoring stations raises serious concerns about EPA's commitment to all three of these important long-term acid rain monitoring programs.

I would like to make the point that without the data showing the ecological impact in the field, we cannot effectively seek solutions to curbing acid rain in the future. I believe that the EPA has clearly been willing to halt funding for CASTNet and MADPRO over the past 5 years, and it easily justifies a funding floor for all three of these programs.

As my colleague from New York knows, acid rain is a cancer that is eating at the ecosystem of the Adirondack region as well as other areas, stunting our forests and rendering many of our lakes and streams lifeless. So I ask the distinguished Chairman to affirm his commitment to the funding of these programs and ask his help in developing language to ensure the continuation of these critical acid rain monitoring programs.

Mr. WALSH. Reclaiming my time, Mr. Chairman, I thank the gentleman for his strong advocacy for this critical ecosystem in upstate New York. As a Member who has worked closely with him on a number of issues, I understand the importance of the acid rain programs not only to the Adirondacks but to the entire Eastern Seaboard.

As the gentleman knows, the Subcommittee on VA, HUD and Independent Agencies has consistently supported funding for acid rain monitoring programs and would agree that a funding floor may be appropriate to ensure they can continue to operate in the long term. I would most certainly work with my colleague from New York to develop language that ensures the continued funding of these important environmental programs.

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

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

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $267,000,000. And in addition, $5,500,000 to be derived by transfer from the ''Disaster relief'' account.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106–74, shall not be less than 100 percent of the amounts anticipated by the agency necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $110,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3½ percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

(TRANSFER OF FUNDS)

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $30,000,000 to be derived by transfer from the ''Disaster relief'' account, and such additional sums as may be received under 1360(g) or provided by State or local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,307,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which

amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $455,627,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking ''2000'' and inserting ''2001''.

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking ''September 30, 2000'' and inserting ''September 30, 2001''.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,122,000, to be deposited into the Federal Consumer Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2001 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,499,900,000, to remain available until September 30, 2002.

AMENDMENT NO. 33 OFFERED BY MR. CUMMINGS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. CUMMINGS:

Page 73, line 3, after the dollar amount insert the following: ''(reduced by $2,800,000)''.

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

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

The Chair recognizes the gentleman from Maryland (Mr. CUMMINGS).

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

Mr. Chairman, I first want to thank the chairman and the ranking member for their support. I have offered this amendment to increase funding for the NASA University Research Centers, better known as URCs, at 14 minority institutions by $2.8 million.

URCs are funded through NASA's Science Aeronautics and Technology Division. The amendment is offset by deducting the same amount from the Human Space Flight account.

1415

The URC program has expanded the Nation's base for aerospace research, increased participation by faculty and students at historically black colleges and universities and other minority universities in mainstream research, and increased the production of disadvantaged students with advanced degrees in NASA-related fields.

Furthermore, each research unit has developed a broad-based competitive research capability in areas related to NASA's strategic enterprises while contributing to support the Agency's scientific and technical human resource requirements.

Under this amendment, each URC would be eligible to receive up to $1.2 million per year, an increase of $200,000, to support activities and operations in the subaccounts from which they are funded. I hope the chair and the ranking member will work with me to ensure that this is stated in any report language.

This is a great investment in our students, and I urge support of this amendment.

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

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland (Mr. CUMMINGS), and I yield myself such time as I may consume. However, I am not in opposition.

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

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

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

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS).

The amendment was agreed to.

AMENDMENT NO. 48 OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. ROEMER:

Page 73, line 3, after the dollar amount insert the following: ''(reduced by $2,100,000,000) (increased by $300,000,000)''.

Page 73, line 18, after the dollar amount insert the following: ''(increased by $290,000,000) (increased by $20,000,000) (increased by $6,000,000) (increased by $49,000,000)''.

Page 77, line 1, after the dollar amount insert the following: ''(increased by $405,000,000)''.

Page 77, line 22, after the dollar amount insert the following: ''(increased by $62,000,000)''.

Page 78, line 5, after the dollar amount insert the following: ''(increased by $34,700,000)''.

Page 78, line 21, after the dollar amount insert the following: ''(increased by $5,900,000)''.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

I would conclude so that I could have more speakers have the opportunity to discuss this amendment by saying this: Our dream has expanded beyond the Space Station, outside of the universe with the Hubell pictures and Mars; and now with the Russians and MIR, their space station is now being paid for by wealthy Americans paying $20 million to travel to MIR.

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

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

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. ROEMER).

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

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

Terminating the Space Station would end what could be the most significant research and development laboratory in history and cause upheaval in the Shuttle program for years into the future, effectively terminating NASA's Human Space Flight program. It would also render useless over a half million pounds of hardware, much of which is already in space.

Mr. Chairman, there are broad and important applications for the Space Station, not the least of which is that there will be schoolchildren all over the world who not only will be able to watch with great interest the progress, but they will see the cooperation that the nations of the world have formed to launch this expression of man's hope for the future.

The intrinsic value of the inspiration that it will provide to our young people is incalculable. We have children in my school district in Syracuse who will be providing an experiment that will go on the Space Station. They will be watching it, monitoring it, using the Internet to conduct their research, and working with colleges and scientists throughout the world. These young people are the people we need to get involved in space and mathematics. The Space Station will help us to do that.

In addition, termination of the contracts for the Space Station at this time would subject NASA to liability of about $750 million. And the amendment makes no provision for these costs. I believe it is important for everyone to understand where we stand today with regard to the Space Station.

The prime contractor has completed nearly 90 percent of its development work. U.S. flight hardware for missions through flight 12A is at the launch site at the Kennedy Space Center awaiting either final testing or launch for assembly.

In addition to Russia, the second largest infrastructure provider, the other international partners remain committed to the station program, having spent over $5 billion to date.

The Russian Service Module is on schedule for a summer launch. This element will allow a permanent crew to be placed in orbit later this year.

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

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

I ask all Members to oppose the Roemer amendment

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

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

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

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

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

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

And this was a good idea?

As my colleagues can see from my chart, since 1993 we have spent more than $2 billion every year. With funding provided in this bill, we will have spent $25.4 billion since 1995. Construction is 4 years behind schedule and is

expected to cost the U.S. around $26 billion. That is 50 percent above the original quote.

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

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

1430

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

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

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

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

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

Mr. Chairman, we have had a number of recent votes on this issue. I think from 1992 to date, a series of maybe eight or nine votes on this issue. In each instance, the body has expressed its solid support and increasing support for the International Space Station. There is simply not much else to say in this debate. It has all been said so many times before during those years.

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

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

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

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

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

Mr. WALSH. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. CRAMER), a member of the subcommittee.

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

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

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

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

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

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

Seven years after the start of this in 1991, an extraordinary coalition of 14 leading scientific groups came out strongly against the Space Station because of the tremendous drain on funding from other worthwhile scientific projects. Robert L. Park, executive director of the American Physical Society, has estimated the full cost to build and equip the station to be $118 billion and said, ''If you include operating costs over what NASA claims will be a 30-year life, it comes to an S&L-bail-out-sized $180 billion.''

This, Mr. Chairman, is going to go down as probably the biggest boondoggle in the history of this Congress. I know this is probably a losing effort, but I admire the gentleman from Indiana's courage and perseverance; and I urge support for his amendment.

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

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

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

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

I urge my colleagues to vote against the amendment.

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

(Mr. KIND asked and was given permission to revise and extend his remarks.)

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

Mr. Chairman, I rise today in support of my friend from Indiana's amendment. It is time for this Congress to finally realize that previous Congresses have simply made a bad investment decision. But let me preface my remarks by saying that there is no bigger cheerleader for NASA at the space program in this Congress than myself who has the privilege of representing the hometown area of Deke Slaton, one of the original Mercury astronauts, and one of the current Shuttle astronauts, Mark Lee. But what started out as an $8 billion commitment from the American taxpayer to the international space station has now ballooned to over $100 billion and the cost is increasing. It is time for this Congress to at least take action to save the American taxpayer additional billions of dollars.

I like what the Roemer amendment does by dedicating a large portion of the savings to national debt reduction which we know is going to pay back economic dividends to the American people as well as makes a healthy investment in the National Science Foundation. I do not think it is too bold to predict that over the next couple of decades, we are probably going to see more scientific discoveries than we have seen in the last 300 years.

This Congress has an obligation as the representatives of this democracy to invest heavily in science so that we make these breakthroughs first rather then a dictatorial power who might see these scientific discoveries for nefarious purposes. That's why increased support for the National Science Foundation is so important.

I, like many Americans, am very supportive of NASA's efforts to explore the universe and expand our knowledge of space, but I do not support such efforts at any price. What must be questioned is the tremendous cost that the American taxpayers are facing today to perpetuate a space station that many in the scientific community believe has limited value. That is why I support canceling the International Space Station.

The space program has exceeded all spending predictions and failed to achieve its intended mission. In 1993, NASA said construction of the space station would be finished in June 2002 and the entire program would cost $72.3 billion. Recent estimates, however, place the cost at nearly $100 billion and we are still years away from completion. In fact, NASA had to launch a shuttle mission last month to apply boosters to the station because it was falling from its orbit by 1.5 miles each week.

Additional problems have occurred recently, such as those in Huntsville, Alabama, where two parts of the space station, valued at $750,000 were mistakenly discarded in a land fill. These tanks were never found and had to be replaced at an additional expense.

Yet, knowing that the space station has become a budgetary black hole, Congress continues to spend billions of taxpayers' dollars year after year to fund such an expensive program.

How can we justify the space station when our country is being forced to make tough decisions about how to fund Social Security for seniors, how to ensure that our children have a quality education system, how to shore up Medicare, and how to reduce our $5.7 trillion national debt? We must stop this annual waste of money and better prioritize our investment decisions.

It is essential that we continue to scrutinize the projects upon which our Government spends taxpayer money and I commend my colleagues who support this amendment and continue to speak out against the Budgetary Black Hole known as the International Space Station.

Mr. Chairman, I urge my colleagues to support this amendment to terminate this failed program and do what is right for our citizens.

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

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman for allowing me to oppose the Roemer amendment one more time. I sometimes think like Yogi Berra that it is deja vu all over again. Or maybe like the movie Ground Hog Day, every year we keep experiencing the same thing.

I join my colleague from Texas in saying that the gentleman from Indiana is a great person with a bad amendment. Again, the International Space Station represents the future of our space exploration. It will be a high-tech laboratory with innovations. It will have countless applications to the daily lives of Americans. It represents an era of international cooperation from which everyone will benefit.

If Congress does undermine the funding for the International Space Station by passing this amendment, it will represent a major reversal in the commitment made to the program's stability over the years. It will be a betrayal to our international partners. Among the criticisms are that the cost for the life cycle of the Space Station has dramatically risen over the years. In fact, the cost for the life cycle of the Space Station has gone up only 2 percent in the last 3 years. Critics have charged that the funding for the Space Station will push out smaller space exploration endeavors, like Mars Pathfinder and Hubbell. That is just simply not true. We will use this platform for those.

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

Ms. RIVERS. Mr. Chairman, in my 6 years in Congress I have consistently voted to stop the fiscal hemorrhaging represented by the International Space Station. Because I have done so, I often have constituents in a surprised tone ask me how I can be against space-based research. My answer is that I am not against space research. In fact, I am ardently for such science. Unfortunately, the International Space Station does not advance the scientific mission of NASA and actually threatens the scientific payoff the United States can expect from the agency.

Evidence today shows that few non-NASA scientists believe the project has scientific value. And continuous cost overruns suck the air out of worthwhile programs, making it unlikely we will be able to duplicate the success of missions like the Pathfinder.

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

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

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

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

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

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

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

High-cost growth often cited as the reason to terminate the Space Station is simply not the case. The initial congressional budget projection for ISS from 1994 to 2000 was approximately $14.5 billion. During those years, actual expenditures have totalled $15.8 billion, reflecting a growth of less than 10 percent. Termination costs could total over $750 million. And the prime contractor has completed nearly 90 percent of its development work. In addition, Russia and the other international partners remain committed to the ISS and have spent over $5 billion to date. Within 1 year, the ISS will be inhabited by three international crew members. In 5 years, the Space Station will be complete and serving as an outpost for humans to develop, use, and explore the space frontier.

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

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

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

Despite the shortcomings of this bill, there are some commitments that have been secured and need to be preserved. Our ability to reach the stars is an important priority, which

will ensure that America remains the preeminent country for space exploration.

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

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

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

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

Mr. Chairman, I am proud the Johnson Space Center and its many accomplishments, and I promise to remain a vocal supporter of NASA and its creative programs. NASA has had a brilliant 40 years, and I see no reason why it could not have another 40 successful years. It has made a tremendous impact on the business and residential communities of the 18th Congressional District of Texas, and the rest of the nation.

The reality is that we have a historic opportunity to continue paying down the debt while passing an appropriations measure that adequately meets the needs of those that have been left behind in the New Economy.

In closing, I hope my colleagues will vote against this amendment and the bill so that we can get back to work on a common sense measure that invests in America's future, makes affordable housing a reality across America, and keeps our vital NASA program strong well into the 21st century.

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

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

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

Scientific discovery and technological development are the key drivers behind our prosperity. We must not turn our backs on the payoffs that research on the Space Station can provide to improve life on Earth for all of us. Because our children and grandchildren will benefit most from that research, I urge that the proposed amendment be rejected.

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

The original estimate for the first space station put the cost of such an endeavor at $8 billion dollars. Congress ended up spending $11.4 billion and what it got was a failed program that offered little hardware, and no launch. Since this program did not work, Congress needed a new way to waste taxpayer dollars. So in 1993 this new program was called the International Space Station.

NASA recently estimated the cost of building this station through completion, whenever that will be, at well over $26 billion. This estimate does not even include the billions of dollars a year it will take to maintain the station after that. What's more, our so-called ''partners,'' Japan, Canada, and 10 other countries, are only required to collectively spend $9 billion. It seems the partners of the International Space Station actually share little more than a name. Once again the United States is left holding the bag.

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

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

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

Mr. KUCINICH. Mr. Chairman, I rise in opposition to the Roemer amendment to H.R. 4635, VA–HUD-Independent Agencies Appropriations for FY 2001 to terminate the International Space Station. As Co-Chair of the Congressional Aerospace Caucus, I strongly support continued funding for the International Space Station (ISS). The Space Station is critical for NASA to maintain America's leadership in space exploration, research and technology. In addition, this international endeavor fosters peaceful relationships among 16 countries by collaborating on mutual goals for the benefit of humankind.

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

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

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

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

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

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

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

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

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

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

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

The point of no quorum is considered withdrawn.

1545

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

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

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

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

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

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

While I certainly, Mr. Chairman, would prefer that more money be made available in the Community Development Block Grant program for the State of Missouri to pay for the buyout and relocation of businesses impacted by this flash flood, I do recognize the budgetary hardships that the gentleman from New York (Chairman WALSH) has encountered in crafting this fiscal year 2001 bill.

Mr. Chairman, I had considered offering an amendment to waive the Community Development Block Grant low- and moderate-income requirements for those areas affected by the major disaster that was the subject of this May 6 and 7 flood. However, I also recognize that the provisions of such a proposal would constitute legislating on an appropriations bill and would have been ruled out of order.

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

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

Mr. WALSH. Mr. Chairman, I thank the gentleman from Missouri (Mr. HULSHOF) for his hard work on behalf of his constituents who have been so severely impacted by these flash floods. The gentleman has been absolutely diligent about bringing this to the attention of the subcommittee, to protect his constituents and rightly so. Congress is working within an extremely tight budget again this year, and the subcommittee thanks the gentleman for his cooperation working within these restrictions.

Accordingly, I intend to work in conference to find a reasonable solution to this problem.

Mr. BOEHLERT. Mr. Chairman, will the gentleman from New York (Mr. WALSH) yield to me for the purpose of engaging in a colloquy on another subject?

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

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

However, I also want to make sure that H.R. 4635 also is consistent with my position that State work on TMDLs continues as expeditiously as possible, in accordance with EPA's existing regulations, while work on a new proposal is underway.

Mr. WALSH. Mr. Chairman, the gentleman from New York (Mr. BOEHLERT) can be assured that the committee intends States to move forward as expeditiously as possible, with the development and implementation of TMDLs under current regulatory authorities. This is one of the primary purposes of the $130 million increase in funding for State Clean Water programs under section 106 of the Clean Water Act.

The committee expects States to use these resources in part to fill the data gaps identified by GAO in their March 2000 report on data quality and to develop and implement TMDLs that are scientifically and legally defensible.

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

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

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

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

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

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,606,700,000, to remain available until September 30, 2002.

AMENDMENT NO. 39 OFFERED BY MR. MOLLOHAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. MOLLOHAN:

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

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

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

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

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

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

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

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

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

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

My amendment, Mr. Chairman, would provide $260 million for this purpose, which represents $30 million less than the President's requests, but it at least gets significant amounts of money on those very important projects.

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

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

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

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

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

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

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

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

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

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

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

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to my good friend, the gentleman from Alabama (Mr. CRAMER).

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

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

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

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

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

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

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

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

Mr. WALSH. I do, Mr. Chairman.

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

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

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

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

everything from improvements in commercial airline safety to understanding global climate change.

1500

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

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

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

I urge my colleagues to support this amendment.

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

If you think that NASA's work is confined to scientific esoterica that only a handful of PhDs can understand, think again.

Research and development conducted by NASA for our space program has led to widespread social benefits—everything from improvements in commercial airline safety to understanding global climate change.

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

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

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

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

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

Today, NASA's neck is stretched out on the chopping block. Yesterday, it was our school modernization and class-size reduction efforts. And tomorrow, it will be our initiative to put more police officers on our streets.

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

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

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

In addition, this amendment would restore $46.1 million in funding for two programs that are developing solutions to expensive delays in commercial airline traffic. NASA uses its unique research capabilities to diagnose problems with current air traffic systems and develop technology solutions.

Mr. Chairman, the tapestry of our national history is woven together by exploration and discovery—from the first settlers in Jamestown to the expeditions of Lewis and Clark to Neil Armstrong's first step on the Moon 31 years ago. We have never turned our backs on challenge. We have never been content with the status quo. We have always dared to peer over the next horizon.

Today' let's reaffirm our national commitment to the latest frontier, science and technology. I urge my colleagues to support this amendment.

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

Mr. WALSH. I continue to reserve, Mr. Chairman.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. HALL), the distinguished ranking member of the Committee on Science.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Chairman, I am honored to support this amendment. It is a good amendment. I thank the gentleman from West Virginia (Mr. MOLLOHAN) for bringing it forth. I also want to suggest that the subcommittee chairman, the gentleman from New York (Mr. WALSH), in his very level and fair-handed handling of this, has agreed to look at this with the gentleman and see if something cannot be worked out. That allows me to give back maybe some of the 3 minutes the gentleman has given me. The gentleman has covered almost everything. The figures have been covered.

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

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

When it came time, when the information came from the executive to cut back on programs, NASA was cut back more than any. NASA complied. Administrator Goldin agreed and cut it back because he knew he could cut it decisively with an intelligent knife; and if we cut it, sometimes we cut it with a baseball bat, not knowing really what we are doing. He cut it back about 35 percent over a period of 2½ years. I think we have kept the faith and we ought not to be cutting back on this NASA program again.

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

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

Mr. WALSH. I do, Mr. Chairman.

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

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

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

For the last 2 years, I have had the opportunity to meet with and get to know an outstanding scientist and an

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

Dr. Chang-Diaz is obviously a man of many talents. He is a veteran astronaut with six space flights and has logged over 1,269 hours; but even more so, he is a scientist and he is developing the new, and forgive me if I mispronounce it, the Variable Specific Impulse Magnetoplasma Rocket concept called VASIMR. The VASIMR prototype rocket engine is designed to shorten the trip to Mars, or anywhere else, and provide a safer environment for the crew.

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

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

Mr. WALSH. Mr. Chairman, I do.

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

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

Mr. Chairman, I rise in strong support of the amendment introduced by the gentleman from West Virginia to restore funds to aeronautics research programs. This amendment is particularly important, given the actions we took last night to cut an additional $30 million from these programs on top of the cuts contained in the bill.

Our national investment in aeronautics is moving dangerously in the wrong direction. We have already experienced a 30 percent cut in NASA aeronautics funding over the last 2 years, and then we made cuts in the bill and another cut last night.

The National Research Council report in 1999 warned us that past cuts have already wreaked havoc and may threaten U.S. preeminence in our aerospace industry. Their leading panel of scientists warned us that continued reductions in aeronautics research and technology would jeopardize the ability of the United States to produce preeminent military aircraft and the ability of the aeronautics sector of the United States economy to remain globally competitive.

Mr. Chairman, if these cuts are to be enacted, our aviation system is set on a disastrous course. The cuts we are making will put the safety and reliability of our air transport system at risk in the near future.

Mr. Chairman, aeronautics research has yielded significant technological breakthroughs that we have seen recently; aircraft safety and efficiency, which includes wing design, noise abatement, structural integrity and fuel efficiency.

Mr. Chairman, every aircraft worldwide uses NASA technology, and it is important to remember that these technological developments take 5, 10, 20 years before they ever come to fruition. We know that domestic air traffic will triple in the next 20 years, and that is why we need to make these investments today.

Mr. Chairman, these cuts are not just shortsighted, they are dangerous. I support the Mollohan amendment, because it will ensure the future safety and efficiency of our air transportation system.

Ms. PELOSI. Mr. Chairman, I rise to support the Mollohan Amendment to increase funding for important housing programs. A shortage of affordable housing plagues America's cities and rural communities. Nonetheless, this bill fails to fund America's tremendous housing needs. Even worse, this bill cuts several billion dollars from last year's budget for many important affordable housing programs.

The majority's bill denies housing assistance to low-income Americans living in federally subsidized affordable housing. On average, residents of Section 8 housing and public housing and public housing earn only $7,800. This bill denies housing assistance for senior citizens on fixed incomes. It forces working men and women to choose between housing, health care, food, and other basic needs.

Compared to President Clinton's requested budget, HUD estimates it reduces housing assistance for San Francisco by $10.9 million and denies affordable Section 8 housing vouchers to 458 San Francisco families. It denies housing help to 234 San Francisco residents who are homeless or are living with HIV/AIDS.

Representative MOLLOHAN's amendment would invest additional funding to provide assistance across the country. At the Appropriations Committee, the Republicans rejected MOLLOHAN's amendment. This amendment would have increased investments to build new affordable housing; provide new affordable housing vouchers; provide housing to the homeless; operate, build and modernize public housing; promote community economic development; provide housing and services to seniors, individuals with disabilities, and individuals with HIV/AIDS. Americans need this assistance and this bill falls short.

I urge my colleagues to support Representative MOLLOHAN's amendment and increase housing assistance to low-income Americans.

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

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

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

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

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

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

There are still so many unanswered questions about the origins of the universe, the stars and the planets, as well as about how we can use the vantage point of space to develop models to help us predict natural disasters, weather, and climate. But NASA can't answer these questions if we don't provide it with adequate resources. This bill does not make these much needed investments in our future, which is one reason I cannot support it.

POINT OF ORDER

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

Mr. WALSH. I do, Mr. Chairman.

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

Mr. WALSH. I do.

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

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

I ask for a ruling from the Chair.

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

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

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

The Clerk will read.

The clerk read as follows:

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,584,000,000 to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in ''Mission support'' pursuant to the authorization for minor revitalization and construction of facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for ''Mission support'' and ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2001 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by title III of the Federal Credit Union Act (12 U.S.C. 1795 et seq.), shall not exceed $3,000,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility shall not exceed $296,303: *Provided further,* That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interes on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; acquisition, maintenance and operation of aircraft and purchase of flight services for research support; $3,135,690,000, of which not to exceed $264,500,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic Program; the balance to remain available until September 30, 2002: *Provided,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

AMENDMENT OFFERED BY MR. HOLT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOLT:

Page 77, line 1, after the dollar amount, insert the following: ''(increased by $404,990,000)''.

Page 77, line 2, after the dollar amount, insert the following: ''(increased by $20,910,000)''.

Page 77, line 22, after the dollar amount, insert the following: ''(increased by $61,940,000)''.

Page 78, line 5, after the dollar amount, insert the following: ''(increased by $34,700,000)''.

Page 78, line 21, after the dollar amount, insert the following: ''(increased by $5,890,000)''.

Page 79, line 4, after the dollar amount, insert the following: ''(increased by $580,000)''.

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

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment and to reserve the time in opposition.

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

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

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

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

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

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

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

The NSF supports nearly 50 percent of nonmedical research conducted at academic institutions, and provides the fundamental underpinning for much of the medical research and other research we value in our society.

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

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

I do not think any of us suspected that a short 60 days later we would be presented with such a disappointing appropriation. At that time, with great fanfare, the majority presented these budget increases, this increase in money for the National Science Foundation. Can they not meet their own level?

This is not, and should not be, a partisan issue. Increasing NSF funding would substantially help colleges and universities across the country and would help all Americans benefit in making prudent investments in our future. If we are going to continue to lead the global economy, we must have a well-trained workforce and the best research and scientific explorations in our colleges and universities and research institutions that we can provide.

Mr. Chairman, I urge my colleagues to join me in supporting full funding for the National Science Foundation.

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

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

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

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

1515

Mr. WALSH. Mr. Chairman, I would like to reassure the gentleman that offered this amendment that the subcommittee did not ignore the President's request. We honored the President's request, and I think the desires of the Congress to the best of our ability, given our allocation. The President requested a $675 million increase in NSF. He also requested a 20 percent increase in HUD and substantial increases elsewhere in the budget. There was no way, given the available resources that we had, to meet that request.

However, what we did do was we increased funding for NASA, increased funding for HUD, increased funding for the Veterans Administration, and we increased funding for the National Science Foundation. In fact, we increased NSF by almost $170 million. That is a substantial increase. The budget is now over $4 billion. We believe strongly in investing in science and technology. I think that our conference has been clear and our record strong on supporting investments in science. However, we do not have unlimited resources. We are constrained by the allocation.

I would add that if funds are made available at the end of this process as we go into the conference that we will look, and I know the gentleman from West Virginia feels the same way, we will look strongly at providing those resources for further investments in technology. At this time, we do not have those funds available to us, and for that reason, I would reluctantly oppose the gentleman's amendment.

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

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

Mr. OBEY. Mr. Chairman, we are here today because the committee has underfunded the President's budget request for the National Science Foundation by $500 million. Last year, Chairman Greenspan of the Federal Reserve said this: ''Something special has happened to the American economy in recent years. I have hypothesized on a number of occasions that the synergies that have developed, especially among the microprocessor, the laser, fiber optics and satellite technologies have dramatically raised the potential rates of return on all types of equipment.''

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

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

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

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

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

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

Mr. Chairman, I would like to point out that in January of 1992, the Wilshire 500 index, which measures the value of all of the publicly owned companies in this country, stood at 4,337, which means that all of the stocks in those companies was worth about $4.3 trillion. Today, it is over $13 trillion. Just one company, Oracle, the growth in that company alone in the last 12 months has been larger than the total valuation of the Big 3 automakers, Ford, General Motors and DaimlerChrysler. That has been due in significant part to what we have learned through the research funded by NSF.

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

So all it helps to do is to make the economy the engine that it is today. All it helps to do is to help human beings struggle with illnesses that we have fought against for generations. It is well worth the investment. It is extremely shortsighted for this agency to be short cut just so that the majority party can provide $90 billion in tax cuts to people who make over $300,000 a year. That is a wrong priority; this is the right one. I congratulate the gentleman for offering the amendment.

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

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

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

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

It is also the first time funds for this agency have topped the $4 billion level. With only a small portion of Federal spending, this agency has been, has had a powerful impact on national science and engineering in most every State and institution of higher learning. Every dollar invested in the National Science Foundation returns manyfold its worth in economic growth.

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

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

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL), the ranking member of the House Committee on Science.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Chairman, I rise, of course, in strong support of this amendment. The National Science Foundation is one of the few agencies in the government that is investing in the Nation's future. While we are enjoying the very greatest prosperity and the finest economic conditions since I have been in Congress, 20 years, and two generations, I think this is a time when we ought to be increasing our investment and not decreasing it. If not now, when are we going to do it? We have not been able to with the deficits back for the last 15 to 18 years.

NSF is shorted by $500 million from the President's request, and this amendment would fix this problem. If we adopt it, we would fully fund advanced information technology research that is endorsed today by leading American computer firms who tell us that we need it and we ought to do it. And these are important programs that will keep the U.S. at the forefront of new computer communications technologies.

This is the same research this body unanimously supported in the February authorization. We supported it then, we ought to support it now.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Chairman, one of the things that the other side will try and do as far as smoke and mirrors is they will talk about the President's request. Republicans brought forward the President's budget, even his tax increase. The President made false assumptions. He increased taxes, he took Social Security money to balance his budget, and he used false assumptions such as the gas prices would stay the same, and guess what? We know what happened to them. They did not vote for it, but yet they use his numbers.

An example is special education. The most the Democrats when they were in power ever increased special education was 6 percent. With Medicaid, in 5 years, we put it up to 18 percent. We increased special education by $500 million this year, but yet the President's budget, which none of them voted for, wanted over $1 billion, so Republicans are now cutting special education. That is the logic, and that and tax breaks for the rich is to fool the uninformed. It is a sham.

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

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me express my appreciation again to the committee and subcommittee chairs for their effort, but it is time to set the record straight. This is what we need the most to keep the rich rich and to provide for educational opportunities for young people coming along so we can stop having to lift the caps of H1–B visas to bring people over here to do the job. This is the area that provides for that research and provides for the support of teachers and who get our young people educated so that they can enter this marketplace.

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

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

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

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

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

Recent trends in basic research support in some important fields have been alarming. For example, since 1993, physics funding has gone down by 29%; chemistry by 9%; electrical engineering by 36%; and mathematics by 6%.

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

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

Past examples of NSF research amply demonstrate the payoffs possible:

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

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

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

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

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

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

The amendment will help sustain the economic growth that has been fueled by advances in basic research by restoring needed

resources for the math, science, and engineering research and education activities of the National Science Foundation.

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

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

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

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

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

This is about 11% below the requested level. This reduction will seriously undermine priority investments in cutting-edge research and eliminate funding for almost 18,000 researchers and science and mathematics educators.

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

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

1530

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

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

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

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

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

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

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

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

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. OLVER), who knows of what he speaks. He in fact has done NSF-funded research.

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

Mr. Chairman, I rise in support of the Obey-Holt amendment. Work funded by the NSF touches our lives every day in a multitude of ways, from the meteorological technology like Doppler radar, which more accurately predicts storm paths, to advances in fiber optics used by the cable TV, the long distance telephone, and computer industries that benefits every American, to research to develop edible vaccines which would make vaccinating large groups of people easier.

Mr. Chairman, these scientific advances are the result of decades of sustained research. We must invest in NSF research today to maximize the benefits of science and technology for tomorrow and the future. Our world and our economy are changing rapidly. We should not shortchange basic science research because that would shortchange our very futures.

I urge passage of the amendment.

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

I thank the gentleman for his good remarks, and I also thank the gentleman from West Virginia (Mr. MOLLOHAN). I think they hit it on the head.

What we are confronted with here, Mr. Chairman, is an appropriation that comes in not just below the President's budget but below the request of the majority party.

In their budget resolution with great fanfare just a couple of months ago they announced that they had increased the number for research to nearly the President's budget. Now we are faced with an appropriations bill that is $500 million below that. This is pennywise and pound foolish. Our investments in research have paid off.

I am especially troubled by the $34 million reduction in NSF's education programs below this request. Cuts in undergraduate education undermine scholastic endeavors in every State in the Nation. In my own central New Jersey district, NSF education programs are funding projects at Monmouth University and Princeton University and Rider University. It would be a big mistake to reduce funding in these crucial areas.

Mr. Chairman, economists do not agree on much, I find, but there is one thing that I hear over and over again from economists from Berkley to Harvard to Chicago to Alan Greenspan at the Federal Reserve. We are now enjoying the fruits of investment in research and development made in decades past.

We are not talking about just a little tweaking of the NSF and Federal research budget. We need to make a significantly greater investment in the research budget if we have any hope of maintaining the kind of economic growth that we are coming to rely on.

We also need a smart, well-trained work force, and NSF contributes directly to that through education in elementary and secondary schools through higher education and through public education. We will not find better investments in our children's future than investment in education and in research and development. That is what this amendment is about.

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

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

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

Moreover, H.R. 4635 would result in the elimination of 4,000 grants for research and

educational endeavors. Through this reduction, investments in the crucial fields of information technology, nanoscale science and engineering, and environmental research will drop, and thus will slow the development of new discoveries. Clearly, these cuts must be restored so that American technology can stay competitive in the global marketplace. Mr. HOLT's amendment will allow American technology to continue to advance and improve.

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

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

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

POINT OF ORDER

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

Mr. WALSH. Mr. Chairman, I do insist on my point of order. I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974.

The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 21, 2000, House Report 106–686. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b), and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard?

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

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

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

The Clerk will read.

The Clerk read as follows:

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $76,600,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $694,310,000, to remain available until September 30, 2002: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $152,000,000: *Provided*, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2001 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $5,700,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $90,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $23,000,000: *Provided*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: *Provided*, That this provision does not apply to accounts that do not contain an object classification for travel: *Provided further*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

The CHAIRMAN (during the reading). The Clerk will suspend the reading.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 525, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentlewoman from New York (Mrs. KELLY); amendment No. 22 offered by the gentleman from New York (Mr. HINCHEY); the amendment offered by the gentleman from Massachusetts (Mr. OLVER); amendment No. 48 offered by the gentleman from Indiana (Mr. ROEMER).

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

AMENDMENT OFFERED BY MRS. KELLY

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

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. KELLY:

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

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

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 250, noes 170, not voting 14, as follows:

[Roll No. 299]

AYES—250

Aderholt	Bishop	Castle
Archer	Bliley	Chabot
Armey	Blunt	Chambliss
Bachus	Boehlert	Chenoweth-Hage
Baker	Boehner	Clement
Baldacci	Bonilla	Coble
Ballenger	Bono	Coburn
Barr	Boswell	Collins
Barrett (NE)	Brady (TX)	Combest
Bartlett	Bryant	Cooksey
Barton	Burr	Cox
Bass	Burton	Crane
Bateman	Buyer	Cubin
Bereuter	Callahan	Cunningham
Berry	Calvert	Danner
Biggert	Camp	Davis (VA)
Bilbray	Canady	Deal
Bilirakis	Cannon	DeMint

Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Martinez
Mascara
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Moore
Moran (KS)
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—170

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Sisisky
Skelton
Snyder
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—14

Campbell
Cook
DeLay
Ewing
Greenwood
Matsui
McIntosh
Rangel
Reynolds
Roybal-Allard
Serrano
Slaughter
Vento
Wynn

1558

Ms. KILPATRICK and Messrs. FATTAH, SAWYER, TIERNEY and BARCIA changed their vote from ''aye'' to ''no.''

Ms. ESHOO, Mr. LATHAM and Mr. WISE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

1600

ANNOUNCEMENT BY THE CHAIRMAN

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

AMENDMENT NO. 22 OFFERED BY MR. HINCHEY

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

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. HINCHEY:

Page 46, line 21, after the dollar amount, insert the following: ''(increased by $4,770,000)''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

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

[Roll No. 300]

AYES—207

Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Reyes
Riley
Rivers
Rodriguez
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Vitter
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu

NOES—211

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor

Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Abercrombie
Campbell
Cook
Cox
DeLay
Deutsch
Hutchinson
Kennedy
McIntosh
Moran (VA)
Rangel
Reynolds
Roybal-Allard
Serrano
Vento
Wynn

1606

Mr. DAVIS of Florida and Mr. SNYDER changed their vote from ''no'' to ''aye.''

Mr. CRAMER changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. DEUTSCH. Mr. Chairman, on rollcall No. 300, had I been present, I would have voted ''yea.''

AMENDMENT OFFERED BY MR. OLVER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. OLVER) on which further proceedings were postponed and on which the ayes 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 314, noes 108, not voting 12, as follows:

[Roll No. 301]

AYES—314

Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Calvert
Camp
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wu
Young (FL)

NOES—108

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barton
Bateman
Berry
Biggert
Bilirakis
Bliley
Blunt
Bonilla
Bono
Boucher
Brady (TX)
Burr
Burton
Buyer
Callahan
Canady
Chabot
Chambliss
Coble
Coburn
Combest
Cramer
Crane
Cubin
Deal
DeMint
Diaz-Balart
Dingell
Duncan
Everett
Goode
Goodlatte
Goodling
Graham
Granger
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hostettler
Hulshof
Hutchinson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kingston
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCrery
McInnis
McIntyre
McKeon
Mica
Miller, Gary
Moran (KS)
Myrick
Ney
Norwood
Paul
Peterson (PA)
Pickering
Pitts
Pombo
Radanovich
Riley
Rogan
Rohrabacher
Ryun (KS)
Salmon
Sandlin
Scarborough
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Skeen
Smith (TX)
Souder
Stearns
Stenholm
Stump
Tauzin
Taylor (NC)
Thornberry
Tiahrt
Traficant
Vitter
Walden
Wamp
Watkins
Watts (OK)
Whitfield
Wicker
Young (AK)

NOT VOTING—12

Abercrombie
Campbell
Cook
DeLay
Gekas
McIntosh
Rangel
Reynolds
Roybal-Allard
Serrano
Vento
Wynn

1616

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

Messrs. CANNON, DICKEY, and MCNULTY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 48 OFFERED BY MR. ROEMER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 98, noes 325, not voting 11, as follows:

[Roll No. 302]

AYES—98

Barrett (WI)	Hoekstra	Pascrell
Bass	Holden	Paul
Bereuter	Holt	Pease
Bilbray	Kanjorski	Pelosi
Blagojevich	Kaptur	Petri
Blumenauer	Kelly	Phelps
Bonilla	Kildee	Pomeroy
Brown (OH)	Kind (WI)	Porter
Bryant	Kingston	Portman
Camp	Kolbe	Ramstad
Carson	Largent	Rivers
Chabot	Latham	Roemer
Coble	Lazio	Roukema
Conyers	Leach	Ryan (WI)
Coyne	Lee	Sanders
Danner	Levin	Sanford
DeFazio	LoBiondo	Schaffer
Delahunt	Lowey	Shays
Dingell	Luther	Shuster
Duncan	Maloney (NY)	Smith (MI)
Evans	Manzullo	Spratt
Ford	McInnis	Stark
Frank (MA)	Meehan	Strickland
Franks (NJ)	Miller, George	Tancredo
Ganske	Minge	Tierney
Goode	Mink	Udall (NM)
Goodlatte	Myrick	Upton
Goodling	Nadler	Velazquez
Green (WI)	Nussle	Visclosky
Gutierrez	Oberstar	Waxman
Hefley	Obey	Woolsey
Herger	Olver	Young (AK)
Hilleary	Pallone	

NOES—325

Ackerman	Cooksey	Greenwood
Aderholt	Costello	Gutknecht
Allen	Cox	Hall (OH)
Andrews	Cramer	Hall (TX)
Archer	Crane	Hansen
Armey	Crowley	Hastings (FL)
Baca	Cubin	Hastings (WA)
Bachus	Cummings	Hayes
Baird	Cunningham	Hayworth
Baker	Davis (FL)	Hill (IN)
Baldacci	Davis (IL)	Hill (MT)
Baldwin	Davis (VA)	Hilliard
Ballenger	Deal	Hinchey
Barcia	DeGette	Hinojosa
Barr	DeLauro	Hobson
Barrett (NE)	DeMint	Hoeffel
Bartlett	Deutsch	Hooley
Barton	Diaz-Balart	Horn
Bateman	Dickey	Hostettler
Becerra	Dicks	Houghton
Bentsen	Dixon	Hoyer
Berkley	Doggett	Hulshof
Berman	Dooley	Hunter
Berry	Doolittle	Hutchinson
Biggert	Doyle	Hyde
Bilirakis	Dreier	Inslee
Bishop	Dunn	Isakson
Bliley	Edwards	Istook
Blunt	Ehlers	Jackson (IL)
Boehlert	Ehrlich	Jackson-Lee (TX)
Boehner	Emerson	Jefferson
Bonior	Engel	Jenkins
Bono	English	John
Borski	Eshoo	Johnson (CT)
Boswell	Etheridge	Johnson, E. B.
Boucher	Everett	Johnson, Sam
Boyd	Ewing	Jones (NC)
Brady (PA)	Farr	Jones (OH)
Brady (TX)	Fattah	Kasich
Brown (FL)	Filner	Kennedy
Burr	Fletcher	Kilpatrick
Burton	Foley	King (NY)
Buyer	Forbes	Kleczka
Callahan	Fossella	Klink
Calvert	Fowler	Knollenberg
Canady	Frelinghuysen	Kucinich
Cannon	Frost	Kuykendall
Capps	Gallegly	LaFalce
Capuano	Gejdenson	LaHood
Cardin	Gekas	Lampson
Castle	Gephardt	Lantos
Chambliss	Gibbons	Larson
Chenoweth-Hage	Gilchrest	LaTourette
Clay	Gillmor	Lewis (CA)
Clayton	Gilman	Lewis (GA)
Clement	Gonzalez	Lewis (KY)
Clyburn	Gordon	Linder
Coburn	Goss	Lipinski
Collins	Graham	Lofgren
Combest	Granger	Lucas (KY)
Condit	Green (TX)	Lucas (OK)
Maloney (CT)	Pickering	Spence
Markey	Pickett	Stabenow
Martinez	Pitts	Stearns
Mascara	Pombo	Stenholm
Matsui	Price (NC)	Stump
McCarthy (MO)	Pryce (OH)	Stupak
McCarthy (NY)	Quinn	Sununu
McCollum	Radanovich	Sweeney
McCrery	Rahall	Talent
McDermott	Regula	Tanner
McGovern	Reyes	Tauscher
McHugh	Riley	Tauzin
McIntyre	Rodriguez	Taylor (MS)
McKeon	Rogan	Taylor (NC)
McKinney	Rogers	Terry
McNulty	Rohrabacher	Thomas
Meek (FL)	Ros-Lehtinen	Thompson (CA)
Meeks (NY)	Rothman	Thompson (MS)
Menendez	Royce	Thornberry
Metcalf	Rush	Thune
Mica	Ryun (KS)	Thurman
Millender-McDonald	Sabo	Tiahrt
Miller (FL)	Salmon	Toomey
Miller, Gary	Sanchez	Towns
Moakley	Sandlin	Traficant
Mollohan	Sawyer	Turner
Moore	Saxton	Udall (CO)
Moran (KS)	Scarborough	Vitter
Moran (VA)	Schakowsky	Walden
Morella	Scott	Walsh
Murtha	Sensenbrenner	Wamp
Napolitano	Sessions	Waters
Neal	Shadegg	Watkins
Nethercutt	Shaw	Watt (NC)
Ney	Sherman	Watts (OK)
Northup	Sherwood	Weiner
Norwood	Shimkus	Weldon (FL)
Ortiz	Shows	Weldon (PA)
Ose	Simpson	Weller
Owens	Sisisky	Wexler
Oxley	Skeen	Weygand
Packard	Skelton	Whitfield
Pastor	Slaughter	Wicker
Payne	Smith (NJ)	Wilson
Peterson (MN)	Smith (TX)	Wise
Peterson (PA)	Smith (WA)	Wolf
	Snyder	Wu
	Souder	Young (FL)

NOT VOTING—11

Abercrombie	McIntosh	Serrano
Campbell	Rangel	Vento
Cook	Reynolds	Wynn
DeLay	Roybal-Allard	

1625

Messrs. KENNEDY of Rhode Island, MARKEY, and FOSSELLA changed their vote from ''aye'' to ''no.''

Messrs. NADLER, OLVER, and PEASE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, earlier today, I was unavoidably detained from presence on the House floor as a result of meetings at the White House with respect to the Medal of Honor winners.

Had I been present, I would have voted on amendments to H.R. 4635, Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001: on rollcall number 300, yes; rollcall number 301, yes; and rollcall number 302, yes.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 90, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

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

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided,* That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not

been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. NASA FULL COST ACCOUNTING.—Title III of the National Aeronautics and Space Act of 1958, P.L. 85–568, is amended by adding the following new section at the end:

''SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in three accounts, ''Human space flight'', ''Science, aeronautics and technology,'' and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for two fiscal years. Each account shall include the planned full costs of the Administration's related activities.

''(b) To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer amounts for Federal salaries and benefits; training, travel and awards; facility and related costs; information technology services; publishing services; science, engineering, fabricating and testing services; and other administrative services among accounts, as necessary.

''(c) The Administrator, in consultation with the Director of the Office of Management and Budget, shall determine what balances from the ''Mission support'' account are to be transferred to the ''Human space flight'' and ''Science, aeronautics and technology'' accounts. Such balances shall be transferred and merged with the ''Human space flight'' and ''Science, aeronautics and technology'' accounts, and remain available for the period of which originally appropriated.''

SEC. 421. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2001, HUD shall transmit this information to the Committees by November 1, 2000, for 30 days of review.

SEC. 422. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to the Congress.

SEC. 423. PESTICIDE TOLERANCE FEES.—None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 424. Notwithstanding any other provision of law, and effective with enactment of this Act, the General Services Administration shall allocate one Senior Executive Service slot for the position of Director, Federal Consumer Information Center, from the total number of Senior Executive Service positions authorized to the General Services Administration by the Office of Personnel Management: *Provided*, That said Senior Executive Service slot shall be a permanent career reserved position and filled with all due speed: *Provided further*, That this Senior Executive Service slot shall remain hereafter in the Federal Consumer Information Center. Such funds as may be necessary to carry out this provision shall be made available from funds appropriated to the Federal Consumer Information Center Fund.

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

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

Mr. Chairman, at this time I rise to enter into a colloquy with the gentleman from Wisconsin (Mr. GREEN).

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I say to the gentleman from New York (Chairman WALSH), as he knows, there is report language attached to this bill that tells the EPA not to undertake dredging of contaminated sediments until the completion of a study by the National Academy of Sciences.

I understand that similar language has been included in the VA–HUD report in each of the past 2 years.

Mr. WALSH. Mr. Chairman, reclaiming my time, yes, that is correct.

Mr. GREEN of Wisconsin. Mr. Chairman, as the gentleman may know, sediments in the Fox River in Northeast Wisconsin have been determined to be contaminated with PCBs.

Last year a number of the paper companies along this river did a dredging demonstration project, commonly referred to as 5657. Unfortunately, the demonstration project did not remove enough of the contaminated sediments to adequately clean up the site.

1630

I along with most of the citizens of Northeastern Wisconsin have been pushing both the paper companies and the EPA to complete the cleanup of this site. Fortunately, one of the companies involved recently reached an agreement with EPA and the Wisconsin Department of Natural Resources to go back into 56/57 and complete the dredging to its original specifications. Some people have expressed concern that this report language might have an effect on this agreement and on the overall push for a settlement and cleaning up of the Fox River. I want to ask for a clarification on this matter. Specifically, can the gentleman from New York tell me whether this report language will have any impact on the work scheduled for the Fox River?

Mr. WALSH. I thank the gentleman for his inquiry. Specifically, this language says that, and I quote, ''exceptions are provided for voluntary agreements,'' and therefore I can assure him that this language will not affect the specific project he is concerned with, the site he called 56/57. Furthermore, nothing in this report language should be construed as preventing or discouraging a prompt settlement between the EPA and the paper companies along the Fox River for cleanup of the PCBs.

Mr. GREEN of Wisconsin. I thank the gentleman for this clarification and for his attention to this matter.

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

Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from California (Mr. BILBRAY).

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

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

Mr. BILBRAY. Mr. Chairman, I thank the gentleman for yielding. My friend from New York knows that I have been greatly concerned about the chronic problem of transborder sewage pollution coming from Mexico which continues to contaminate the oceans and close the beaches of the communities of South San Diego County, including my hometown of Imperial Beach. I have been working closely with the gentleman to address this problem of protecting the public health in my community.

Specifically, I want to thank the gentleman for his careful consideration of my request to take action on the issue of the arbitrary cap on the spending limit on the U.S. international wastewater treatment plant across from Tijuana, Mexico, that treats their sewage and discharges it onto the beaches of my hometown of Imperial Beach. This cap was put in place in this VA–HUD bill by the 102nd Congress in 1992–1993. The sad result of this cap is that the international treatment plant, which is operated by the Federal Government, is now operating in violation of the Clean Water Act. This arbitrary cap must be lifted in order to provide for construction of secondary treatment on our side of the border that will adequately address both current and future flows of Mexican sewage.

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

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

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

Mr. Chairman, it is essential that the Federal Government be required to achieve the same environmental standards that they and we require on everyone else.

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

While we share his interest in resolving this issue, we remain concerned with the preferred proposal which EPA has chosen by which to provide secondary treatment which we believe would not be adequate to protect the public health. We therefore believe it would be unwise to raise the cap at this time. As is stated in the report, however, the committee will be continuing to examine progress on this issue, including the potential for secondary facilities to be sited in Mexico. We anticipate revisiting this important issue of secondary treatment at a later time.

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

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, May 22, 2000.

Hon. JAMES WALSH, Chairman, Subcommittee on Veterans Affairs, HUD, and Independent Agencies, House Appropriations Committee, the Capitol, Washington, DC.

DEAR CHAIRMAN WALSH: I am writing to follow up on our continuing conversations regarding the public health and environmental threats posed by untreated Mexican sewage flowing into the U.S. and on to beaches in my district, and the need for secondary sewage treatment along our border with Mexico. I greatly appreciate the level of attention you and your staff have shown to me on this critical issue to date.

As you well know, the Environmental Protection Agency has selected a ponding alternative for 25 mgd of secondary treatment at the International Wastewater Treatment Plant (IWTP). While EPA has indicated that its chosen alternative would not require the appropriation of new monies, it nonetheless remains extremely controversial in South Bay communities. There is widespread concern that constructing ponds at this site would be shortsighted for two significant engineering reasons—(1) current levels of sewage have already reached to 50 mgd and higher, which would overcapacitate the 25 mgd ponds from day one, and (2) potential future expansion of the IWTP's capacity would be precluded by the location of secondary ponds on this site.

It was for these reasons that I prevailed on the EPA throughout much of last year to give every possible consideration to the construction (by a public-private partnership) of a secondary treatment facility in Mexico, which would utilize the same kind of technology preferred by the EPA, but would have the ability to build out to treatment levels of 50, 75 or even 100 mdg, and in the process reclaim the wastewater for reuse in Mexico. It is clear that capacity levels of this magnitude are going to be needed in order to meet the needs of this rapidly growing region. However, the EPA has made clear its intention to proceed with its preferred alternative on the U.S. side, and has asked for your support in raising the cap on spending at the IWTP, in order to construct the ponds with funds already appropriated to it within the Border Environmental Infrastructure Fund (BEIF).

I have reservations about the practicality of the EPA's preferred alternative, and believe that the immediate threat to our ocean and beaches in the U.S. stems from untreated Mexican sewage flows which are not being captured and treated at the IWTP. However, it is nonetheless critical to communities in the region, such as my hometown of Imperial Beach, that this effluent is treated to secondary levels, and that the capacity for doing so is able to be expanded in a timely manner in order to address the increasing levels of flow from Mexico. In order to achieve this target of secondary treatment, regardless of the alternative or technology chosen, the existing cap on spending will need to be raised. In a letter dated April 12, the EPA specifically asked for your assistance in this regard.

You will recall that I supported a similar request from the EPA to raise the spending cap in the waning hours of the 105th Congress; however, it was submitted by the Administration too late to merit serious consideration at that ''eleventh hour.'' I recognize and appreciate the Subcommittee's fiscal and policy concerns about EPA's preferred alternative which you have outlined to me previously, including the subsequent likely need in the very near future to construct yet another costly facility in the US. to treat sewage flows which will exceed 25 mdg capacity of secondary ponds. I know that is a challenging issue your Subcommittee; however, the need for secondary treatment is clear. Therefore, I would respectfully urge you to pursue language in your FY 2001 bill which would facilitate raising the cap and embarking on a means to achieve secondary treatment which will comprehensively address this problem.

I greatly appreciate your continued concern for and interest in this important issue, and thank you again for your consideration. Please don't hesitate to contact me directly, or Dave Schroeder of my staff, should your

have question or require any additional information.

Sincerely,

BRIAN BILBRAY,
Member of Congress.

AMENDMENT TO H.R. 4635, AS REPORTED, VA HUD APPROPRIATIONS ACT, 2001, OFFERED BY MR. BILBRAY OF CALIFORNIA

Page 90, after line 16, insert the following:

SEC. 426. The limitation on the amounts of funds appropriated to the Environmental Protection Agency that may be used for making grants under section 510 of the Water Quality Act of 1987 under the heading STATE REVOLVING FUNDS/CONSTRUCTION GRANTS in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (106 Stat. 1599) shall not apply to funds appropriated in this Act or any other Act approved after the date of enactment of this Act.

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

Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN) for a colloquy between himself and the gentleman from California (Mr. LEWIS).

Mr. WAXMAN. I thank the gentleman for yielding to me.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate very much the gentleman from West Virginia (Mr. MOLLOHAN) yielding to me. In turn I want to express my appreciation to the chairman and the ranking member for their longstanding interest in the subject we are about to discuss.

Mr. Chairman, I would like to ask the gentleman from California (Mr. WAXMAN) to enter into a colloquy to clarify the effects of this legislation on EPA's pending radon drinking water regulation. It may surprise some in this body to know that the gentleman from California (Mr. WAXMAN) and I have a long history of working together on behalf of the environment, particularly in California. The issue of radon gives us another opportunity to work together in a bipartisan fashion. Water districts across the country are understandably concerned about the high costs of treating water for radon while little is done to address radon in indoor air. EPA's own science indicates that 98 percent of the threat from radon comes from sources other than drinking water. Is this the gentleman's understanding?

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

Mr. LEWIS of California. I agree that radon is a serious public health issue and that a multimedia approach is a sensible way to address it. Unfortunately, I have heard many concerns from my constituents about this proposed regulation. I believe other Members have as well. In California alone, if the State does not adopt a multimedia program, the water agencies have stated that this new standard for radon in water would cost water customers some $400 million in the first year of implementation. Would the gentleman agree that it may be appropriate for Congress to pass legislation to provide greater health protection than the proposed radon drinking water rule? My intent is to provide reasonable resources to address radon in indoor air and provide greater certainty to drinking water providers that they will be spending money sensibly.

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

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

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

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

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

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

AMENDMENT 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 offered by Ms. KAPTUR:

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

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

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

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

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

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

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

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

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

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

VA mental health research remains disproportionate to the utilization of

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

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

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

1645

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) claim the time in opposition?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

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

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

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

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

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

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

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

The amendment was agreed to.

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

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

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

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

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

I hope that as we move to and through the conference that we have an opportunity to look into the matter and examine the facts and merits of their claim.

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

AMENDMENT OFFERED BY MR. EDWARDS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS:

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

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

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

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Texas (Mr. EDWARDS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. EDWARDS).

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment of the gentleman from Texas (Mr. EDWARDS).

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

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

Mr. Chairman, I can think of no group that deserves Congress' support more than America's veterans, and this amendment is about supporting and keeping our commitment to those veterans.

According to the Disabled American Veterans, the Veterans of Foreign Wars, AMVETS, and the Paralyzed Veterans of America, the $535 million in increased VA medical care and research funding in this amendment is needed and I quote, ''to fill the funding gap so the needs of our Nation's veterans can be properly met.''

Dennis Cullinan, director of the National Legislative Service for the Veterans of Foreign Wars sent me a letter 2 days ago saying the VFW, and I quote, ''would like to take this opportunity to extend our support to your amendment.''

Mr. Chairman, why is this amendment needed? The answer is very simple, to keep our commitment to our Nation's veterans, just as those veterans have kept their commitment to us. As the DAV, VFW, AMVETS and Paralyzed Veterans of America have said, ''over the past decade, spending for veterans' health care has fallen dramatically short of keeping pace with medical inflation and associated cost increases.''

How do we pay for my amendment? We do it by simply delaying the recently passed estate tax reduction for estates only over $20 million. That would save us $1 billion over 2 years, the exact same amount it would take to improve health care for America's 25 million veterans.

In other words, we can see that millions of veterans receive the health care they need and deserve if this House will simply today say that approximately 6 of the richest families in each State should not receive a $500 million a year tax windfall.

The choice is very clear. We can tell one-ten thousandth of 1 percent of the richest estates in America that we are not going to give you a tax break. Why? So we can take care of the millions of veterans who sacrificed to ensure your family's freedom and opportunity.

The question today is, whose side are we on? Do we want to help millions of veterans struggling to get better health care, or do we want to help one ten-thousandth of 1 percent of America's most affluent families?

Mr. Chairman, I have heard a lot of candidate speeches lately about values, but I would suggest that, as Members of Congress, how we vote on budget priorities says a lot more about our values than all of our speeches combined.

To keep our Nation's commitment to veterans, we do not have to undo the entire estate tax reform bill passed just 2 weeks ago on this floor.

We do not even have to raise taxes on the wealthy, who frankly have already received enormous tax cuts through reductions and capital gains taxes. All we have to do is tell Bill Gates and Steve Forbes and about 300 of America's richest estates each year that we believe that taking care of millions of veterans and their health care is more important than giving another tax break.

Mr. Chairman, this amendment should be a simple choice. It is a clear

choice. If no Member of this House will object this afternoon, we can pass this amendment and help veterans today.

I would point out the Republican leadership did let tax provisions be put in the appropriations bill passed on October 20 of 1998 on this floor. I would hope the Republican leadership would give America's veterans the same procedural respect today that hundreds of other less deserving groups were given in October of 1998 on the appropriations bill in this House.

Mr. Chairman, let me say they have done a very respectable, fine job of supporting veterans given the Republican budget constraints caused by massive regressive tax proposals.

I do want to commend the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) for their subcommittee work. They have done well within those constraints.

This amendment though is not about their work on the Appropriations Subcommittee, rather this amendment is about a clear choice of whether Congress should spend an additional $500 million helping one-ten thousandth of 1 percent of America's families or whether we want to take that same $500 million and help millions of America's veterans.

It is a clear choice. This amendment is about our priorities in this House. It is about our values. It is about whose side are we on. Let us vote for the Edwards amendment and stand by the veterans who have stood up for all of America's veterans.

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

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

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas (Mr. EDWARDS) has 5 minutes remaining, the gentleman from New York (Mr. WALSH) has reserved his time and his point of order.

Mr. EDWARDS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS), who is the senior Democrat on the Committee on Veterans Affairs and has been a stalwart fighter on behalf of veterans' programs in this Congress.

Mr. EVANS. Mr. Chairman, I commend the gentleman from Texas (Mr. EDWARDS) for his amendment. He is a great advocate for veterans as his amendment again demonstrates.

The Edwards amendment increases funding next year for veterans' medical care, by $500 million and funding for the VA medical research by $35 million. These increases are needed if veterans are to receive access to timely and high-quality medical care and services, and the research program of VA is to be adequately funded.

Too many veterans are being forced to wait too long to receive the medical care they need and deserve. Today some veterans are waiting as long as 6 months for an appointment with a primary care provider. The waiting list for an appointment with the specialist can actually be longer.

The Edwards amendment provides resources to improve the quality and timely delivery of medical care to our Nation's veterans. VA is recognized worldwide as a leader in medical research.

The Edwards amendment will increase funds for the VA medical research program next year by $65 million. Under the current level of funding for VA medical research, only a small portion of worthwhile projects are provided needed funding. The Edwards increase in research funding is a sound investment to enable VA researchers to make breakthrough discoveries which will benefit veterans and the general population.

Again, I commend the gentleman from Texas (Mr. EDWARDS) for offering his amendment, it is a sign of his leadership on these issues. I urge my colleagues to vote for the Edwards amendment.

Mr. EDWARDS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FILNER), a ranking Democrat on the VA Subcommittee on Benefits. He also has been a real leader on veterans' programs in this Congress.

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

Mr. Chairman, I rise in strong support of the Edwards amendment and in strong support of our Nation's veterans. The amendment of the gentleman from Texas (Mr. EDWARDS) calls for an increase in $500 million in the health budget of the VA. This money was not just pulled from the air, that figure, it comes from this document, the Independent Budget for the Department of Veterans Affairs, a comprehensive policy document created by veterans for veterans.

All of the veterans in this Nation got together to say what do we need for a professional Veterans Administration and one that will keep up our health and our benefits. This is a professional job, an analytical job. Let me just tell Members where that $500 million will go.

Under the section on staff shortages, in this independent budget, let me just read what veterans experts have concluded, faced with severe budget shortfalls, VA facilities have laid off hundreds of employees, including physicians, nurses, physicians assistants, and other clinical staff.

Layoffs combined with staff attrition from retirement, transfer and resignation have left VA facilities with insufficient clinical staff to meet veterans' needs. In some cases, administrators have had difficulty filling vacant positions compounding their staff shortages.

We have witnessed many cases of poor quality care that are the direct result of inadequate staffing. For example, one spinal cord injury center with dangerously low staffing levels has seen its mortality rate increase threefold during the last 4 years. We are killing veterans because we have inadequate staffing levels.

Adequate numbers of well-trained staff are needed to keep up with the workload to prevent potentially harmful delays in care and to provide appropriate care. At one VA center in our country, for example, a patient faced a 97-day wait for an appointment at the vascular clinic and a 14-month wait for dental prosthetics at the dental clinic.

One stroke patient at this medical center reported having his outpatient rehabilitation therapy suspended for several weeks, because his therapist went on vacation and there was no one to cover her. Because of staff shortages brought on by budget constraints, VA facilities have drastically reduced services or eliminated them altogether.

After the dental department at one medical center was downsized from 5 to 3, routine oral exams given to veterans as part of their physicals were simply phased out. This was done despite the fact that dentists at the clinic found an unusually high number of oral cancers from veterans during these exams.

What are we doing to the people who have provided us with this great economy that we have today? We are eliminating the services that can save their life or prolong the quality of their life. Not only is elimination of routine oral exams inconsistent with VA's goal of increasing access to primary and preventive care, but it increases expenses over the long run.

We have concluded that we have crossed the boundaries. We are not providing our veterans with sufficient care.

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

Mr. Chairman, I have the amendment here in front of me, and I think it needs to be commented on that we have increased veterans' medical care almost $1.4 billion this year. We increased veterans' medical care a $1.7 billion last year. Those are record level increases in veterans' medical care, and they were properly appropriated for. These additional funds, the $500 million included in he amendment, are not offset.

There is no source of these funds available to us. In addition, the gentleman from Texas (Mr. EDWARDS) provides an additional $35 million for medical and prosthetic research.

We just, last night, added $30 million back into that category for research, which was properly offset. The presenter of the amendment looked into the budget, found some additional funds, we agreed there is a proper use of those funds, and a higher priority went to research.

I just would restate that I think we have done our job. We have done it well within the available funds. If additional funds become available later on in the process, we will look at prioritizing those also, but I must oppose the gentleman's amendment.

Mr. Chairman, I continue to reserve my point of order.

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

Mr. Chairman, let me agree with the gentleman from New York (Mr. WALSH), he has done very well within the constraints that the Republican leadership and the House has put on what we can spend on VA health care. The problem is, that the multibillion dollar tax cut for the wealthiest one-ten thousandth of 1 percent of families in America that we passed 2 weeks ago provides less money for this bill.

We do have an offset in this bill. We just choose to help 25 million veterans get better health care rather than giving 300 of America's richest estates a further tax cut, that is a choice we should be allowed to make.

1700

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

Mr. WALSH. Mr. Chairman, is there any time remaining on our side?

The CHAIRMAN. The gentleman has 8 minutes remaining.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order, and I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I will not take more than 30 seconds.

My friend on the other side has worked diligently. As a matter of fact, this is one of the most bipartisan issues that we have, with the gentleman from California (Mr. FILNER) and the gentleman from Texas (Mr. EDWARDS) and the ranking minority on this committee. But I would say to my friends, the veterans have served this country, the United States of America, and all the citizens made a promise to keep health care. Subvention is a pilot program and a Band-Aid. TRICARE, FEHBP, we are all working on those in a bipartisan way. But that promise was made by all Americans, not just a few families.

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

POINT OF ORDER

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

Mr. WALSH. I do, Mr. Chairman.

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

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN. The Chair finds that this amendment indirectly amends existing law. 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.

AMENDMENT NO. 23 OFFERED BY MR. HINCHEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. HINCHEY:

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

SEC. . None of the funds made available in this Act may be used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation system.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mr. FRELINGHUYSEN) be allowed to control 5 of the 10 minutes I have been allotted.

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

There was no objection.

Mr. HINCHEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, over the last couple of years particularly, the chairman of the subcommittee on VA–HUD has done an admirable job in ensuring that additional funds were allocated for the Veterans Administration, especially and particularly for veterans health care. In spite of his best efforts, however, many veterans in certain parts of the country are getting inadequate health care nevertheless. That is as the result solely and completely of a program administered within the Department of Veterans Affairs known as the Veterans Equitable Resource Allocation program, otherwise known as VERA.

VERA, in spite of its name, is wholly inequitable. Under VERA, we have seen cuts in veterans health care in many parts of the country, particularly throughout New England, New York, Pennsylvania, the Midwest, the far West, and other places as well. In addition, we have seen cuts in Illinois, Michigan, Wisconsin, Missouri, Kansas, Colorado, California, in addition to other States.

This amendment would provide that no money be allowed for the administration of this program.

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

Mr. Chairman, I rise today in support of this amendment, which I offer with my colleague, the gentleman from New York (Mr. HINCHEY), and many others. Quite simply, Mr. Chairman, this amendment would prevent the VA from using the Veterans Equitable Resource Allocation formula, known as VERA, to allocate funding to 22 Veterans Integrated Service Networks, known as VISNs, throughout the country. Instead, this amendment would send the VA back to the drawing board to develop a formula which would be truly equitable and which would distribute funding across the Nation, so that all of our veterans, regardless of where they live, would be provided with the same access to medical care based on need.

Under the current formula, VISN 3, which includes New York and New Jersey, has seen its funding cut by over 66 percent since 1997. The funding shortfall has hampered VISN 3's ability to provide a full range of medical services to veterans.

For example, look at the VA's VERA-based allocation of funding for hepatitis C testing and treatment. The fiscal year 2000 budget provided $190 million. The fiscal year 2001 budget under consideration today would increase that amount to $340 million.

Hepatitis C is a growing problem in our Nation, especially among Viet Nam-era veterans. It is approaching epidemic proportions in VISN 3 in New York and New Jersey, where 26 percent of all veterans tested for hepatitis C have tested positive. The VISN needs approximately $10 million this year just to provide hepatitis C treatment to veterans who test positive for the virus and additional funding to pay for testing, which can cost between $50 and $200 per person.

In March, VA Secretary Togo West told the Subcommittee on Veterans Affairs of the Committee on Appropriations that he had not spent all of the hepatitis C money in the fiscal year 2000 budget because the demand was not there. Because this funding is allocated under the VERA formula, our area has found itself in need of at least an additional $22 million to pay for hepatitis C testing and treatment this year. These are for veterans in need.

Mr. Chairman, because of the skewed distribution of funding under VERA, under that formula, we are faced with a system of winners and losers. When it comes to providing health care for veterans, there should be no winners and losers.

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

The CHAIRMAN. Does any Member claim the time in opposition?

Mrs. MEEK of Florida. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentlewoman from Florida is recognized for 10 minutes.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with all respect and deference to my colleague, I rise in opposition to this amendment. I rushed to get here, and I have been on the floor all day waiting for this amendment.

Mr. Chairman, as you know, the Veterans Equitable Resource Allocation system, better known as VERA, was implemented to ensure that VA resources followed the veterans who are moving to southern and western States. This VERA formula has come under scrutiny many, many times; and each time it has come under scrutiny,

there was no way to skew the figures, because the figures must go wherever the veterans are.

For a decade and a half, as more and more veterans moved to southern and western States, our facilities and our services were overwhelmed by the needs of our new veteran arrivals. Even today, our Florida veteran facilities are finally beginning to get the resources we need after so many years of neglect to care for our ever-growing veterans population. VERA has been working well, Mr. Speaker; and our committee knows it has been working well because it has been done in a fair and equitable way.

In 1997, the General Accounting Office reported that VERA makes resource allocations more equitable than the previous system that was in effect. In 1998, the PricewaterhouseCoopers accounting firm found that VERA was sound in its concepts and methods and that VERA was also ahead of other global budgeting systems that are based on historical allocations with periodic adjustments.

Let us face it, Mr. Chairman. Whenever there is an allocation formula, everyone cannot be happy. There are two sides of this, but you cannot get away from the statistical evidence that is presented through these studies. It is obvious that the money goes where the veterans go.

VERA is constantly being refined. Seven adjustments are being implemented in this fiscal year. Florida, the State I represent, the State the gentlewoman from Florida (Ms. ROS-LEHTINEN) represents, the State that the gentleman from Florida (Mr. DIAZ-BALART) represents, and many of us, we have the second largest population of veterans among the 50 States. We have 1.7 million veterans, and that is still growing. There are over 435,000 veterans in the seven counties of South Florida alone, and 48 percent of these veterans are over 65 years of age. Forty-eight percent of these veterans are over 65 years of age.

In fact, the population of veterans over 65 in just these seven South Florida counties is greater, and I emphasize greater, than the entire populations of veterans over 65 in 40 other States. That is a very significant statistic, and I will repeat it: that the population of veterans over 65 in just these seven South Florida counties is greater than the entire population of veterans over 65 in 40 States.

I know that some States that are experiencing decreasing veteran populations, they are very highly critical of VERA, and well they might be; and they have attempted many times to short-circuit VERA in our VA-HUD bill, and each time I have gone to the floor to really defend our system of VERA.

As one who has lived through base closures and realignment, I know how painful it is to close these underutilized facilities. There have been claims that the veterans left behind in States that have been losing veterans are older and sicker. That is what the other States are saying, they are older and sicker. But, by my demonstration here today, I have shown you that we have older veterans. These claims are not supported by the facts.

So VERA is statistically sound; it is following the veterans, that allocation is. So in view of the overwhelming evidence that VERA is targeting VA resources to veteran populations that would need it most, and doing so in a fair manner, I strongly oppose this amendment and urge my colleagues to do the same, in fairness. Mr. Chairman, it is a simple matter of fairness.

Mr. FRELINGHUYSEN. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Chairman, I rise in strong support of the Hinchey amendment. There is nothing fair or equitable about the current VERA allocation formula. If you are from the Northeast, if you are from a sparsely settled part of the country, like my State, veterans are getting the back of hand by the VA. That is what you are getting. There has to be a more equitable distribution of funds.

I will tell Members this, we must have a basic threshold level of quality health care for veterans, no matter where they live. They have to have adequate facilities, they have to have adequate services, and when you have a formula, like VERA strictly distributing funds on a population basis, with major outmigration from some areas, with sparsely settled populations of veterans in others like Nebraska, our veterans are not being treated fairly on VA health care.

I can tell you what is happening in Iowa and Nebraska, in our area. We are being cut dramatically in funds, to the point that veterans are not being served in our part of this country.

This formula has been unfair since it started. They simply will not listen to us down there in the Veterans Affairs Department. They simply go on and treat us unfairly. It is time to stop the use of this inequitable VERA formula. Support the Hinchey amendment.

Mr. Chairman, this Member rises today in strong support of the amendment offered by the distinguished gentlemen from New York (Mr. HINCHEY) which would prohibit funds in the bill from being used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation (VERA) system. Unfortunately this has turned into a regional legislative battle between northeastern states and especially low-population Great Plans and Rocky Mountain states' delegations on one hand, and the Sunbelt states with larger numbers of veterans retirees on the other. Those of us representing the former see our veterans left out in the cold while the money flows to the populace Sunbelt states. Once again, we may be out-voted but it certainly isn't fair to veterans in our states.

From the time the Administration announced this new system, this Member has voiced his strong opposition to VERA because of its inherent flaws in inequitable distribution of funds, and has supported funding levels of the VA Health Administration above the amount the President recommended.

Continuing action in previous years this Member has also recently co-signed a letter to the Chairmen and ranking members of the House and Senate Appropriations Subcommittees on VA/HUD expressing frustrations and concerns with VERA and VISN 14 shortfalls.

This Member was proud to support the increase in funding Congress provided for veterans health care in FY2000. Congress provided $1.7 billion over the President's request which was far more than ever provided for VA health care in one year and the highest level of increase over a President's budget request for veterans health care. However, the veterans health care system in Nebraska continues to experience growing service and funding shortfalls each year even after the forced closing of two of our three inpatient facilities, reducing the number of full time employees fourteen percent and completing integration of all three VA Medical centers. In FY1999, the VISN 14 area (consisting of Nebraska and Iowa) experienced a $6 million shortfall, and in FY2000 the shortfall is $17 million and the project shortfall for FY2001 will be between $35 and $45 million. While VISN 14 continues to experience shortfalls in funding, the number of patients continues to increase. Despite the regrettable ruling of non-eligibility for in-patient care for large numbers of Nebraska veterans, the number of patients grew from 59,412 in FY1996 to 75,101 in FY1999.

Clearly the VERA system has had a very negative impact on Nebraska and other sparsely populated areas of the country and on the northeast part of our nation. All members of Congress should agree, Mr. Chairman, that the VA must provide adequate services and facilities for veterans all across the country regardless of whether they live in sparsely populated areas with resultant low usage numbers for VA hospitals. The funding distribution unfairly reallocates the VA's health care budget based strictly on a per capita veterans usage of facilities. There must be at least a basic level of acceptable national infrastructure of facilities, medical personnel, and services for meeting the very real medical needs faced by our veterans wherever they live. There must be a threshold funding level for VA medical services in each state and region before any per-capita funding formula is applied. That is only common sense, but this Administration has too little of that valuable commodity when it comes to treating our veterans humanely and equitably!

In closing Mr. Chairman, this Member urges his colleagues to support the Hinchey amendment and fulfill the obligation to provide care to all those veterans who have so honorably served our country—no matter where they live in this country.

Mrs. MEEK of Florida. Mr. Chairman, if I may yield myself 1 minute again, I would like to say we cannot base this on opinion. Each of us is opinionated because of where we live and the people we serve. We must deal with the facts. That is what VERA does.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, this amendment by the gentleman from New York (Mr. HINCHEY) was on the floor last year, and it was defeated soundly. I have here, Mr. Chairman, several letters, one from the Department of Veterans Affairs which I will make part of the RECORD, from Dr. Garthwaite, which indicates that we should not, should not, adopt the Hinchey amendment.

Mr. Chairman, obviously I rise in opposition to this amendment. Basically it aims to dismantle what this House overwhelmingly approved. It was one of the most important reforms in the VA health care system.

VERA is a system for distributing VA health care doctors equitably, to ensure that veterans have similar access to care, regardless, regardless of the region they live in. Before 1996, when Congress directed VA to establish this system, veterans experienced enormous disparity in access to care. Veterans who received all needed care from VA facilities in New York, for example, found after retiring to Florida the VA's doors were closed to them.

1715

This happened because a system for distributing funds did not take into account the demographic changes that occurred.

According to the General Accounting Office, VA's former allocation system not only resulted in unequal access to care, it also encouraged inefficiency. GAO cited the need for a system like VERA. So my colleagues, the GAO has studied this carefully, and they have cited the need for such a system as VERA, which the gentleman from New York (Mr. HINCHEY) would like to remove and dismantle. Price Waterhouse did an analysis of this as well. They validated the methodology that was used and indicated that it was sound. VERA recognizes that there is variability in labor costs and other factors from region to region and makes adjustments accordingly. It is fundamentally a fair system.

Mr. Chairman, that is not just me speaking. Price Waterhouse has validated this system, and GAO cited the very legislation that we passed overwhelmingly in the House.

So as I mentioned earlier, I have this letter from the VA's acting Under Secretary of Health who confirms that the VERA system is working and that the VA administration itself continues to support it, and I will include that for the RECORD at this time.

DEPARTMENT OF VETERANS AFFAIRS,
VETERANS HEALTH ADMINISTRATION,
Washington, DC, June 19, 2000.

Hon. BOB STUMP,
Chairman, Committee on Veterans Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to affirm the Veterans Health Administration's (VHA) continued support for the Veterans Equitable Resource Allocation (VERA) system.

Implemented in April 1997, the VERA methodology remains an equitable model for distributing funds to the 22 networks. During the past two and a half years independent reviews by the General Accounting Office and PricewaterhouseCoopers LLP have validated the VERA methodology as meeting the intent of Congress. In fact, PricewaterhouseCoopers LLP concluded that VERA is ahead of other global health care funding system around the world. In addition to these external VERA assessments, since the beginning of VERA, the VHA has established internal workgroups, comprising clinical and administrative staff from both Headquarters and the Field, to provide input to the VHA Policy Board for VERA refinement and to evaluate the appropriateness and effectiveness of the VERA methodology. Ongoing improvements and refinements to VERA continue as issues arise. Refinements that have been identified for the FY 2001 allocation are listed below.

Non-recurring Maintenance (NRM)—FY 2001 will complete the three-year phase-in of NRM being fully based on patient care workload and the cost of construction using the Boockh Index (a geographically-based, nationwide standard).

Geographic Price Adjustment (labor index)—A change in the workload factor for computing the labor index that would weight Basic and Complex Care workload consistent with recent costs is under review. A recommendation was presented to the VHA Policy Board in May 2000 and was approved June 15, 2000.

Research Support—A decision to again pass through research support funds directly to VA medical centers for FY 2001 will be reviewed by the VHA Policy Board in July 2000. A decision on these recommendations will be made subsequent to Policy Board discussion well ahead of the time to allocate FY 2001 funding.

Care Across Networks—A Care Across Networks Workgroup studied the need for a transfer pricing system to cover veterans who receive care outside of their home networks (e.g., northeast networks would reimburse southern networks for the care provided to veterans who travel south in the winter). The group recommended implementation of a default pricing system based on Medicare rates, modification of the current billing system, and preauthorization to ensure that care provided is clinically appropriate. Because concerns were expressed about the adequacy of the infrastructure to handle transfer pricing and possible impediments imposed by preauthorization, VA tested the proposed transfer pricing system. The Workgroup considered several key issues: the impact on improving coordination of care; whether the level of effort to effect transfer pricing is worth the benefit; and the technical and software challenges to implement. A recommendation by the Workgroup not to go forward with transfer pricing in FY 2001 was approved in March 2000. VA will continue to use the existing pro-rated person (PRP) concept to ensure that care across networks is compensated. The default pricing system will be completed and made available to networks that are trying to understand care patterns as well as other issues.

Additionally, VHA Headquarters has maintained a national reserve fund to assist networks that are experiencing fiscal difficulties. VHA has established a process whereby a network's request for additional funding is first reviewed by a team of VHA field-based managers. The VISN's request and the team's review are then presented to the VHA Policy Board, which in turn makes recommendations to the Under Secretary for Health. Once a final decision is made, the results are communicated to the requesting VISN.

Enclosed is a chart with text to show that VERA is not moving all networks to an average expenditure per patient, but adjusts network allocations for differences in patient mix, labor costs, research and education support costs, equipment and non-recurring maintenance activities.

Please note that all major VERA shifts in funding have been completed. Beginning with the FY 2001 VERA distribution to the networks, changes in VISN funding will depend on the following factors:

The change in the Medical Care Appropriation from one year to the next,

Each VISN's change in the number and mix of veterans provided care relative to the system-wide change in total veteran patient workload, and

VERA refinements that may be made during the year.

Thank you for the opportunity to comment on VERA.

Sincerely,

THOMAS L. GARTHWAITE, M.D.
Acting Under Secretary for Health.

Enclosure.

The chart that follows displays the average VERA price for each network, based on the preliminary FY 2001 VERA Allocation. (It should be noted that these are subject to change; workload data continues to undergo data validation, Specific Purpose funding continues to be reviewed, and final decisions about funding levels are dependent on the Congressional Appropriation.)

PROJECTED AVERAGE PRICE BY NETWORK-PRELIMINARY FY 2001 VERA ALLOCATIONS

Network	Average Price	Percent variation from national average
05 Balitmore	$5,673	17.74
21 San Francisco	5,543	15.04
12 Chicago	5,440	12.90
03 Bronx	5,375	11.56
20 Portland	5,023	4.24
22 Long Beach	4,978	3.31
02 Albany	4,970	3.14
11 Ann Arbor	4,950	2.74
13 Minneapolis	4,941	2.55
01 Boston	4,936	2.45
National Average	4,818	0.00
17 Dallas	4,783	(0.73)
07 Atlanta	4,768	(1.05)
08 Bay Pines	4,657	(3.34)
06 Durham	4,657	(3.36)
10 Cincinnati	4,465	(3.60)
15 Kansas City	4,539	(5.80)
19 Denver	4,539	(5.80)
14 Lincoln	4538	(5.81)
09 Nashville	4,471	(7.20)
16 Jackson	4,452	(7.60)
18 Phoneix	4,452	(7.91)
04 Pittsburgh	4,433	(8.00)

The chart shows that total VERA funding for networks is not a simple national average rate, for example, in FY 2001 four networks receive more than 10% above the national average price.

Since its inception in FY 1997, VERA has been effective in reducing the amount of variation between networks in average cost per patient. In FY96, one network had a 33% variation above the average; in FY99 that variation from average cost per patient was reduced to 22%. At the other end of the specturm. In FY96 there was a network that was 38% below the national average cost per patient; in FY99 this variation had been reduced, so the network with the lowest average cost per patient was 22% below the national average. This has not been an arbitrary movement toward a single national mean; some networks above the national average have appropriately moved even further above the national average due to complexity of their patient population and other workload factors.

VERA has completed the shifting of dollars among network based on workload, that

began in FY 1997. When VERA wa implemented, nearly $500M was identified by the VERA model as needing to be shifted among networks; in the FY 2001 allocation, there are no dollars to remaining by be shifted. All networks are receiving increase to their FY2000 VERA allocation.

Mr. STEARNS. Mr. Chairman, we have a similar debate on this amendment last year when the gentleman offered it. I urge the gentleman not to dismantle a system that is working for the veterans in this country. I also note that the VA maintains a reserve fund to handle the kind of problems that the gentleman has raised, and I am sure others will raise from the northeast. In fact, the New York/New Jersey Network received $60 million last year from that reserve fund that was set up just to handle problems that they are going to get on the floor and talk about.

For those areas of the country that have legitimate funding problems, there is this safety mechanism with the reserve fund. We need not and should not, I say to my colleagues, take the extreme step that the gentleman proposes. Adopting the Hinchey amendment would hurt veterans all across this country.

Mr. Chairman, I urge my colleagues to reject this amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield 45 seconds to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I would merely say that Congress enacted VERA for a very simple reason: equity. No matter where they live or what circumstances they face, all veterans deserve to have equal access to quality health care.

The author of this amendment argues that the veterans in New York are not being treated equitably. VERA takes all of that into consideration, and under VERA, veterans in the metropolitan New York area will receive an average of $5,339 per veteran patient. That is 16 percent-plus higher than the national average. The Florida VISN will receive $4,485 per patient under VERA, an average payment that is 2.5 percent below the national average. Certainly we should ask ourselves how is this unfair to New York veterans.

Mr. Chairman, I urge that we oppose this amendment.

Mr. Chairman, I rise in strong opposition to the Hinchey amendment which would prohibit the use of VA funds to further implement the Veterans' Equitable Resource Allocation system.

VERA, as it is called, corrects historic geographic imbalances in funding for VA health care services and ensures equitable access to care for all veterans.

Florida has the second largest veterans population in the country with 1.7 million veterans. Approximately 100 veterans move to Florida every day. Since coming to Congress, I have heard from veterans who were denied care at Florida VA medical facilities. In many instances, these veterans had been receiving care at their local VA medical center. However, once they moved to Florida, the VA was forced to turn them away because the facilities in our state simply did not have the resources to meet the high demand for care.

This lack of adequate resources is further compounded in the winter months when Florida veterans are literally crowded out of the system by individuals who travel south to enjoy our warm weather.

It is hard for my veterans to understand how they can lose their VA health care simply by moving to another part of the country or because a veteran from a different state is using our VA facilities.

Congress enacted VERA for a very simple reason: equity. No matter where they live or what circumstances they face, all veterans deserve to have equal access to quality health care.

Since VERA's implementation, the Florida Veterans' Integrated Service Network (VISN) has experienced a forty percent increase in its workload. The Florida network estimates that it will treat a total of 300,000 veterans by the end of Fiscal Year 2000.

The Florida network has also opened 18 new community based outpatient clinics since VERA's implementation. It plans to open additional clinics in the near future. None of this could have happened without VERA.

The author of this amendment argues that veterans in New York are not being treated equitably. The VERA system already takes regional differences into account by making adjustments for labor costs, differences in patient mix and differing levels of support for research and education.

According to the Department of Veterans' Affairs, VA facilities in the metropolitan New York area will receive an average of $5,339 per veteran patient. This means that these facilities will receive an average payment for each patient that is 16.07 percent higher than the national average. On the other hand, the Florida VISN will receive $4,485 per patient—an average payment that is 2.5 percent below the national average. How is this unfair to New York veterans?

VERA ensures that veterans across the country have equal access to VA health care and that tax dollars are spent wisely. If the Hinchey amendment passes, continued funding imbalances will result in unequal access to VA health care for veterans in different parts of the country.

I urge my colleagues to vote against the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume to say that this is not a regional argument. The issue is bureaucratic bungling by computer. If your area is not being hurt today, it most certainly will be tomorrow.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise in strong support for the Hinchey-Frelinghuysen amendment, and I urge my colleagues to do the same.

We want to suspend the VERA program. It is not working, and it is certainly not working for New Jersey. We are the only VISN to lose money. It is unacceptable to the veterans in New Jersey. It is unacceptable to me.

According to this year's bill, our VISN will receive $22 million less than we did in fiscal year 1999, and $14 million less than we did in fiscal year 2000. In fact, when we consider the supplemental appropriation, New Jersey will receive $52 million less than we received for the entire fiscal year 2000.

This is not a question of making everybody happy, this is a question of equity. The program is not working. What we are going to do is wedge one veterans' group against the other. That is not acceptable to us in New Jersey, and I am sure to the gentlewoman from Florida (Mrs. MEEK) and to the gentleman from New Jersey (Mr. FRELINGHUYSEN), it is not acceptable to them as well.

Mr. Chairman, I rise today to voice my strong support for the Hinchey, Frelinghuysen amendment and I urge my colleagues to do the same.

The amendment is simple, it suspends the VERA program. What we need to do is go back to the drawing board and come up with a program that is fair to ALL veterans.

In Fiscal Year 2000, Congress provided $1.7 billion more for veteran's medical care. Yet, in New Jersey we lost $36 million in funding.

We were the only VISN to lose money. It is unacceptable to the veterans of New Jersey. It is unacceptable to me.

According to this year's bill, our VISN will receive $22 million less than we did in Fiscal Year 1999 and $14 million less than we did in Fiscal Year 2000!

In fact, when we consider the supplemental appropriation we received this year, New Jersey will receive $52 million less than we received for the entirety of Fiscal Year 2000. This is a disgrace.

And that is because of VERA, the Veterans Equitable Resource Allocation program, which redirects money from some regions of the country to pay for veterans who live in other parts of the country.

Our veterans deserve better.

The fact is that the VERA system is not equitable to all veterans. This amendment sends the message that VERA is not working. The VA should develop a truly equitable plan.

Members of the military have put themselves at great risk to protect American interests around the world. In return for this service, the federal government has made a commitment to both active duty and retired military personnel to provide certain benefits.

Our veterans helped shaped the prosperity our nation currently enjoys. It is OUR duty to ensure that commitments made to those who served are kept.

The VERA system is simply not working.

I urge my colleagues to support this important amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), the dean of the New York Congressional Delegation.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I am pleased to rise today in strong support of the Hinchey-Frelinghuysen amendment prohibiting funds from being used to implement VERA, the Veterans Equity Resource Allocation system,

which was created to correct an inequity in the manner in which veterans' health care funds were being distributed across the country. While conceived as a sound effort, VERA was fundamentally flawed in that it did not look at the quality of care being delivered to veterans in any given region. Moreover, it also failed to consider the effect of regional costs in providing health care.

Under VERA, the watchword was efficiency: deliver the most care at the least cost. While ideal for outpatient care, VERA has unfairly penalized those VISNs that provide vital services such as substance abuse treatment, services for the homeless, veterans' mental health services, and spinal cord injury treatments. Under VERA, those services are all deemed too expensive and inefficient.

VERA was implemented at a time when the VA budget was essentially flat lined. VISN directors were not provided additional funds to offset the cost of annual pay raises for VA staff and annual medical inflation costs.

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

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman.

This was not a problem for those directors of VISNs who received money under VERA. However, for those directors of VISNs that were losing money under VERA, it was a double hit that crowded out additional funds needed for other vital services.

It is commendable that the subcommittee was able to find an additional $1.3 billion for veterans' medical care. Yet, due to VERA, very little of that money is going to find its way to the Northeast where it is vitally needed. Instead, it will be sent to those VISNs that have already seen increases.

Accordingly, I urge my colleagues to support the Hinchey-Frelinghuysen amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I very seldom come down here to remark on some of these, and the reason is that most of us have made up our minds already and nobody is going to convince us to change.

Let me give my colleagues some information. If my colleagues think that reforms have been instituted recently in veterans' health services, they are wrong. In L.A. they have caused nothing but disruption. You have closed offices where people need the offices, and in L.A. the transportation problem there is terrific. There are log jams all the time. Veterans have a hard time, some of them unable to drive, and especially those with mental services needs have a hard time getting to the centers as it is now. So you close some. Then you close administrative offices and move them to Phoenix, Arizona, when the population is in L.A.

What is the matter with you in this reform. You need to open your eyes and see that there is something very, very wrong with the reform. In other words, the cure is worse than the illness, and veterans are not getting the attention they need. I am sorry if my colleagues cannot see that, but they ought to realize it; they ought to take a better look. My colleagues ought to go back to their districts and talk to their veterans and ask them if they are getting the services they need, because they are not.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I stand here in strong support of the Hinchey amendment. I think the bottom line that we have heard from both sides, and there should not be any arguments here, is that we are supposed to take care of our veterans. I have been out to my VA hospital, and let me tell my colleagues, they have cut the budget as far as they can go. Yes, a lot of my veterans do go to Florida. That is where they are part of the time of the year. But they are still using the services in my North Port hospital.

This should not be a fight among colleagues. We are supposed to take care of our veterans. That is the bottom line. We have made promises to our veterans. This should not even be a budget fight.

Mr. Chairman, I strongly support the Hinchey amendment; and we should certainly, in the future, start allotting more money for our veterans to take care of them. We, the government, made a promise to our veterans: you serve this country and we will take care of you.

Well, I am embarrassed to say that the 3½ years that I have been here, we have not kept that promise to our veterans; and as a nurse, I can tell my colleagues, they know it.

Mr. HINCHEY. Mr. Chairman, I yield myself the remaining time.

In closing, I would just say to my colleagues that this is not a regional issue, this is an issue that affects veterans coast to coast, as we have seen in the arguments that have been presented here this evening. If it happens that one's particular district or one's particular State is not adversely affected at this particular moment, it will be shortly.

Mr. Chairman, this formula has got to change. Please support the amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. NETHERCUTT).

(Mr. NETHERCUTT asked and was given permission to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Chairman, I rise in opposition to the Hinchey amendment.

Mr. Chairman, I rise in opposition to the Hinchey amendment, which would block the continued implementation of the VERA system, a change which would cripple the VA. An identical amendment was offered last year and failed on a vote of 158–266.

On April 1, 1997, the VA began to implement the VERA system, which allocates health care resources according to numbers of veterans in each of 22 regional VISNs (Veterans Integrated Service Networks). The Hinchey amendment would jeopardize health care in a majority of VA networks by blocking continued implementation of this system.

Before VERA, funds were allocated according to the historical usage of VA facilities, adjusted annually for inflation. When veterans migrated to the West and the South, funding continued to be concentrated in the Northeast. The VERA system directly matches workloads with annual allocations, taking into account numbers of basic and special care veterans, national price and wage differences, and education and equipment differences. More efficient networks have more funds available for local initiatives and less efficient networks have an incentive to improve. Some regions do see a substantial change in their health care allocations under VERA, but all VA network administrators agree that this reform is crucial to the sustainability of VA programs.

The amendment proposes to prohibit funding for the VERA allocation model, creating a significant question about what model the VA would use instead. Presumably, the authors of the amendment would support a return to the allocations of FY96. When FY00 levels are compared to FY 96 allocations, such an adjustment would mean that 20 of 22 VISNs would lose money.

Some areas would be particularly devastated by such a reallocation: the Pacific Northwest would be cut 24 percent, the Southeast would be cut 14 percent, the Southwest would be cut 15 percent. To restore funding for these 2 VISNs at FY96 levels, all 20 other VISNs would take an approximate hit totaling $132 million. If VA was forced to recompute allocations according to the old model, the cuts would be even more severe. The two VA medical centers I represent would see their budget cut by more than $9 million this year if we restored the old formula.

Such a budget hit would cripple the vast majority of VISNs across the country. VERA is working—of the 22 VISNs, only ONE, in the Bronx, saw its overall allocation decrease from FY99 to FY00. I believe that we should encourage the VA to continue moving forward with this successful initiative. Please join me in opposing the Hinchey Amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

First of all, we in Florida, we have visual acuity, I want to let my colleagues know. We can see, and when we see, we can read these numbers, Mr. Chairman. We have the numbers. There is no question about it, we all want veterans served. But should we yield because we have to satisfy one part of the Nation? We have to satisfy all of the veterans.

Vote against the Hinchey amendment.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Hinchey Amendment to suspend the Department of Veterans' Affairs misguided Veterans' Equitable Resource Allocation (VERA) plan.

The VERA plan takes scarce resources away from the veterans in my district and other areas of the Northeast based on flawed data about veteran populations around the country.

The veterans who use the VA health care system in New York deserve better than the VERA plan gives them. Each year, about 150,000 veterans use the eight VA facilities in the New York Metropolitan region. These veterans have come to rely on the excellent services provided by these facilities, and the cuts in these services under VERA have been disastrous.

Since the implementation of VERA began, I have received reports from many veterans in my district of diminished quality of care at VA medical centers. In fact, the VA's own Office of the Medical Inspector investigated the Hudson Valley VA hospitals and found more than 150 violations of health and safety rules at those hospitals alone. It is not a coincidence that these violations came at a time when these hospitals were trying to cut costs to comply with VERA.

And the situation is getting worse. The service network that serves New York and New Jersey will receive a cut of over $40 million. This means the quality of care will suffer and more services will be cut as hospitals and clinics face even more reductions in force. All of our veterans, regardless of where they live, deserve better.

Mr. Speaker, I understand the need to provide services to growing veterans populations in other regions of the country, but that must not be done at the expense of New York's veterans. An assessment of the VERA plan by Price Waterhouse highlighted a major flaw in the fundamental assumptions of the plan. The report stated that ''basing resource allocation on patient volume is only an interim solution because patient volume indicates which veterans the VHA (Veterans Health Administration) is serving, not which veterans have the highest care needs.'' This is especially relevant to the New York region, which has the highest proportion of specialty care veterans in the country.

We cannot turn our backs on our proud veterans, but that is exactly what will happen if we allow VERA to continue. I urge my colleagues to treat our veterans with the dignity and the respect they deserve. Support the Hinchey Amendment.

Mrs. KELLY. Mr. Chairman, I rise today in strong support for the Hinchey amendment.

Under the Veterans Equitable Resource Allocation plan, I have witnessed the results of cuts that have effectively removed nearly $300 million from the lower New York area veterans network.

VERA is fundamentally flawed. These flaws permeate VERA's methodology, its implementation, and the VA's oversight of this new spending plan.

Our veteran's network has the oldest veterans population, the highest number of veterans with spinal cord injuries, the highest number of veterans suffering from mental illness, the highest incidence of hepatitis C in its veterans population, and the highest number of homeless veterans. It is inconceivable and intolerable that the VA would continually reduce our regions funding.

VISN 3 has required reserve funding for the last 3 years because our veterans hospitals keep running out of money. In this fiscal year, VISN 3 required $102 million in reserve funding. In the next fiscal year it expects to request even more. When will we realize that the VA should fund our hospitals properly the first time and leave reserve funds for emergencies?

I beseech my colleagues on both sides of the aisle to support this amendment and make the investment in our veterans hospitals necessary to keep our promise to our veterans. The veterans of this Nation gave their best for us. Now we need to do our best for them.

Mr. GOSS. Mr. Chairman, I rise today in strong opposition to this amendment. My home state of Florida has 1.7 million veterans and serves as home to thousands more during the busy winter season. Given the age and special needs to this population, many of these men and women require extensive medical attention.

The lack of timely, quality health care for our veterans has reached a crisis point across the country, but the problem is particularly acute in southwest Florida. Every year more and more veterans flock to Florida to enjoy their golden years; and every year the veteran clinics and hospitals in my state are hard pressed to meet the demand. Sadly, the need far exceeds our resources in southwest Florida. Veterans routinely wait months—and sometimes over a year—just to get an appointment for something as simple as vision and hearing care. This is an unacceptable way to treat those who served our country honorably.

VERA begins to address this injustice by allocating funds according to the number of veterans having the highest priority for health care. VERA is a fair and just system: it puts the money where the vets are. This is straightforward, commonsense policy. I urge my colleagues to reject the Hinchey amendment and support a fair and equitable policy of providing for our veterans.

Mr. ALLEN. Mr. Chairman, I rise in support of the Frelinghuysen/Hinchey amendment to prohibit the VA from distributing health care funds through the Veterans Equitable Resource Allocation (VERA) formula.

As I have said many times in the past, VERA has negatively impacted the VA's ability to meet the health care needs of veterans in the Northeast.

I understand that VERA has benefitted certain regions of the country, but the level of care in those regions has been raised at the expense of Northeast veterans. The situation continues to get worse, not better for the 150,000 veterans in Maine.

Veterans in my district rely on Togus VA hospital in Augusta. Those veterans who are treated at Togus cannot say enough about the quality of care. There is no question about it, if you can get in to see a doctor, the care is exceptional.

The Doctors and nurses have dedicated their careers and lives to serving this population and recognize the unique care veterans need.

But Mr. Chairman, Togus is located within VISN1. Despite this bill's $1.35 billion increase in the fiscal year 2001 VA health care budget, VISN 1 will only receive a $15 million increase.

Togus alone already has a $9 million shortfall in Fiscal Year 2000. There is clearly a need for increased funding, and yet VISN 1 is one of only two VISNs that has lost funding since 1996 when VERA was implemented.

While the quality of medical care remains high, budget constraints have forced Togus to reduce staff, causing severe strains on access to care, as well as staff morale.

The excessive waiting time makes it difficult to enroll new patients. Because funding increases through VERA are tied to the number of patients seen, veterans in the Northeast regions are put at an automatic disadvantage.

I am told over and over by the VA Undersecretary for Health, Dr. Thomas Garthwaite, that the VERA numbers work out. I am told that each VISN receives the appropriate amount of money to cover its costs.

Mr. Chairman, the numbers are not working out. The former Acting Director of VISN 1 recently said that over the past few years equipment and construction funds were used to supplement funds for direct medical care.

VERA simply does not provide the means to cover the facility costs of hospitals in the Northeast and still provide quality care.

Recently, two Boston VA hospitals, West Roxbury and Jamaica Plain, began to consolidate their operations. However, there is no money to complete this kind of transition without affecting the care to veterans.

Because Boston serves as the major surgical center for the VISN, the patient population of the whole region is going to suffer. The VISN does not have the $40 million required to complete this process smoothly.

The cost of providing health care in aging facilities is not adequately accounted for in VERA. The formula must be reexamined.

I am tired of hearing, ''the numbers work out.'' Anyone who visits Togus, or any hospital in the Northeast will clearly see that it is not working out for those veterans seeking care.

There is simply no excuse, Mr. Chairman, for the hurdles our veterans must now face to access high quality health care. We need to make a greater commitment to funding veterans' health programs and we must find a new and better way to direct those resources to those in need.

This Congress' fixation on hugh tax cuts for the wealthy is endangering funding for veterans programs, for housing and for other domestic programs.

We must get our priorities straight, and keep our promise to the veterans in this country. Support the Frelinghuysen/Hinchey amendment.

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to this amendment to change the VERA formula and return to an obsolete methods of allocating veterans funding in this nation.

VERA, the Veterans Equitable Resource Allocation system is one of the smartest, fairest, and simplest things we've done at VA.

What we did with VERA is very straight forward. We discovered that a lot of our older veterans are moving from places up North like Pennsylvania and Ohio and moving to warmer spots like Florida and Arizona. In my own district and in my home state of Florida we have seen an explosive growth in the number of senior citizen veterans living in our communities who requires resources. While in some Northern states we have VA hospitals that used to serve a lot of veterans 20 years ago

that are now abandoned because of declining veterans populations in those areas. The demographic evidence is very clear.

So Congress decided to put VERA in place to more equitably distribute VA health care dollars so that the money goes to where the veterans actually are and not where the abandoned buildings are. This ''radical'' concept is fair and it's working, so I guess if you're a little cynical of Washington, it's no wonder that some people want to get rid of it now.

VERA has meant a marked improvement for our veterans in Florida. Working closely on the 2000 Census I recognize that VERA is just one part of the larger issue of re-allocating federal resources based on our nation's changing demographics. For instance, my district and state have similar issues with all senior citizens relating to the Older Americans Act which also attempts to shift some federal funding based on changing demographic patterns.

Just as Florida and Texas and some other growing states may gain Congressional seats in re-apportionment while some states lose seats because of population changes, so too must veterans funding follow the population. I know it's hard for my colleagues on the other side of this issue to see federal funds or Congressional seats go elsewhere and I don't begrudge them for fighting for the amendment, but VERA is fundamentally fair and it's the right thing to do.

VERA also helps force VA to cut waste and inefficiency. The Government Accounting Office (GAO), Congress' non-partisan investigative agency, recently reported that VA is wasting almost $1 million per day maintaining and heating empty obsolete VA facilities, $1 MILLION PER DAY, almost all of it in the Northeast and Midwest. GAO also reported that there are over 30 obsolete VA hospitals with only 20–40 patients.

Mr. Chairman, we're moving to a period of completely different health care needs for our aging veterans population, away from the 1950's hospital system and to a system of outpatient care and long term nursing home care. The number of veterans being treated in hospitals has gone down 60% while the outpatient visits have skyrocketed. VERA helps get us there by shutting down obsolete hospital facilities and freeing up those resources to build clinics that are closer and more accessible to veterans and pay for the doctors and pharmacists to staff those clinics.

Mr. Chairman, keeping money locked up in obsolete facilities, serving needs that don't exist for a population that has moved elsewhere is wrong. I urge my colleagues to keep VERA intact and, vote against this harmful amendment.

Mr. FRANKS of New Jersey. Mr. Chairman, I rise today as a cosponsor of this amendment.

The Veterans Equitable Resource Allocation is anything but what its name indicates. VERA is not equitable. In fact, it has had a disastrous effect on veteran health care in New Jersey.

VERA was intended to direct VA health resources to the areas with the highest veteran population. However, the VERA equation fails to calculate the level of care required by the patients.

Well intended? Yes. Well thought-out? Not in the slightest, Mr. Speaker.

VISN 3, of which my district is a part, has the second oldest veteran population in the country. Clearly, these veterans have the greatest need for medical care and pay the highest health care costs of all veterans. Without this amendment, they will suffer across the board cuts in all of their programs.

While I appreciate the fact that after years of shortchanging veterans' health services, the President has finally proposed a budget that increases funding for veteran's health care. However, that increase will provide no additional benefits to the veterans in my state.

Mr. Speaker, it's time to end the inequity. Not only is the level of support provided to New Jersey veterans unfair, it is jeopardizing their health care. Lyons Medical Center has closed its emergency room. East Orange VA hospital has closed its pharmacy. There have been round after round of RIFs in New York and New Jersey's veteran hospitals.

VERA is a failure! I urge my colleagues to support this amendment. Send the VA back to the drawing board and tell them to come up with a system that meets the needs of ALL veterans. Our veterans deserve no less.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from New York, which would impose a one-year moratorium on the VA's implementation of the ''Veterans Equitable Resource Allocation.'' VERA, as this funding mechanism is known, was instituted in 1997 as a way to distribute VA resources fairly across the country. But the outcomes since then have not been equitable.

The VERA formula punishes regions like the Northeast and Midwest by calculating need solely on the basis of the number of veterans served—without any regard for the type of individualized or specialized care given to these patients. Veterans in the New York/New Jersey area (which makes up Veterans Integrated Service Network or VISN 3 in my district) for example, are older than former service men and women in other parts of the country. Because age is usually accompanied by more severe health problems, these veterans often require more extensive—and therefore more expensive—care than veterans elsewhere.

In addition, New York/New Jersey veterans have a higher-than-average incidence rate of Hepatitis C (HCV) and AIDS, which we all know are very costly treatments. As the VA continues to make HCV diagnosis and treatment a priority—which it should—the costs associated with these procedures will rise. A March, 1999 one-day prevalence study found that six percent of veterans who were tested for Hepatitis C tested positive; in VISN 3 that number was 13 percent—almost double the national rate. And the going rate for one Hepatitis C treatment cycle, for one patient, is between $15,000 and $20,000. Yet the VERA formula does not factor this treatment cost into its allocation.

Finally, with the migration of veterans to the Sunbelt, those remaining in regions like the Northeast and Midwest often lack the money, if not physical condition, to move to a warmer climate. VERA should not penalize these neediest of veterans for remaining where they are.

Mr. Chairman, the VERA issue is more than just abstract numbers and percentages on paper. For regions like VISN 3, the Veterans Equitable Resource Allocation formula has not been equitable, and it has resulted in serious delays in health care delivery for area veterans. It has also forced these veterans to live under the fear that crucial specialty services offered by facilities like the VA clinic in Brick, New Jersey—located in my district—could be slashed. This nearly happened two years ago, when the VA responded to VERA-imposed budget cuts by seeking to close the clinic. I am still grateful for the efforts of Monmouth and Ocean County veterans who fought side by side with me to keep the facility open. If the Brick clinic were unable to provide rheumatology, podiatry, and a range of other services, these veterans would have had to take much longer drives for desperately needed treatment.

As the vice chairman of the Veterans' Affairs Committee, I have questioned VA officials about the VERA system, and the explanations I have received are not satisfactory. The solution is to adopt the Hinchey amendment and force the VA to halt the VERA formula, so that we can measure the full impact of this questionable system on veterans nationwide.

Mrs. ROUKEMA. Mr. Chairman, I rise today in strong support of this bipartisan amendment. This amendment will stop implementation of VERA, the VA's allocation formula, and send it back to the drawing board so the VA can create a funding formula that is fair to every veteran in every state.

VERA IS UNFAIR

VERA unfairly pits veteran against veteran for the desperately needed health care services depending on which state they live in. Under VERA, even with the historic $1.7 billion for veterans' health care provided last year, VISN 3, which encompasses New Jersey and New York was cut by $33 million.

Let me give you another example of how unfair VERA truly is. VISN 3 has the second highest rate of Hepatitis C in the nation. But because of VERA, our veterans will not receive any money to combat the disease.

How is this fair? How is this equitable? New Jersey has one of the oldest veterans' populations and the highest number of special needs veterans. The funding reduction caused by VERA is taking a tragic toll on the veterans of New Jersey and the Northeast.

HEALTH SERVICES IN NEW JERSEY ARE BEING REDUCED

To save money, the VA has cut back on numerous services for veterans and instituted various managed care procedures that have the impact of destroying the quality of care the veterans receive. For instance, the VA has reduced the amount of treatment offered to those who suffer from Post Traumatic Stress Disorder (PTSD) and reduced the number of medical personnel at various health centers.

As a result of these cuts, there has been erosion of confidence between veterans and the VA. I can not describe the anger and pain I see in the faces of veterans in my district because of the reduction in health services. This erosion threatens to destroy the solemn commitment that this nation made to its veterans when they were called to duty.

We can not allow the VA to use VERA to save money by destroying the health care of veterans in New Jersey. We can not allow the VA to use VERA to use managed care to reduce quality. And we can not allow the VA to use VERA to close veterans' hospitals just because they are within sixty miles of each other.

CONCLUSION

The bottom line is: VERA is unacceptable and must change to a fairer more equitable system.

Let me state as firm as possible: There can be no compromise when it comes to veterans' health care. The promise made to veterans must be kept. We must do everything in our power to ensure that veterans receive the best health care possible.

Defending the Constitution of the United States on foreign soil is the greatest duty the nation can ask of its citizens. Our veterans answered the call to duty and performed it to the highest standard. We must keep our promise to our veterans regardless if they live in Florida, Texas, Maine or New Jersey. I believe a veteran is a veteran, period. The VA must have the same view. I strongly urge you to support this important amendment. Thank you.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise today in support of this amendment. I understand the goal of VERA is to distribute money according to the number of veterans using veterans facilities, but it doesn't take into consideration the basic overhead expenses of operating medical care facilities in rural, less populated states.

Despite the fact that Congress has fully funded the President's request for the VA next year, at least four VISNs are projecting serious shortfalls. One of these VISNs, VISN 14, which includes Iowa and my home state of Nebraska, is projecting a $40–40 million shortfall.

Although Congress has increased the VA's budget 23.5 percent since Fiscal Year 1996, VISN 14 has only received a 6.2 percent increase—less than the cost of medical inflation. These shortfalls will continue until we are able to find a fairer way to allocate funds.

I believe VISN 14 has taken significant steps to lower costs—in fact, despite the increase in patient load of 26 percent, VISN 14 has closed two inpatient facilities and the number of full time employees has dropped 16 percent. Unfortunately, these changes will not save enough to make up for the large projected shortfall.

Mr. Chairman, when the VA closed the Grand Island inpatient wards, I was assured that the VA would use the money saved to improve services to Nebraska's veterans, but the opposite has been true—services have gotten worse. Many veterans in my district are forced to travel hundreds of miles to receive the care they were promised. Veterans often wait weeks or even months for appointments to see VA doctors. This is unacceptable. Eligible veterans should have reasonable access to VA facilities no matter where they live.

I urge a yes vote on this amendment.

Mr. EVERETT. Mr. Chairman, I rise in strong opposition to this amendment offered by Mr. HINCHEY to basically gut the present veterans' medical fund allocation system Congress established a little over three years ago. The reason we established the so-called VERA or Veterans Equitable Resource Allocation was to correct the arbitrary funding for veterans' medical care in various parts of the United States. As the name says, it is about equitable resource allocation—it is about fairness and putting and the health care money where the veterans are.

My veterans in Alabama deserve the same adjusted basic per capital funding as any other part of this country, not more and certainly not less. I don't know how anyone could object to that.

But here's what we should object to: having unneeded VA hospitals in a number of large metropolitan areas, including New York and Chicago. Hearings by the Oversight and Investigations Subcommittee, which I chair, established that the VA is wasting more than a million dollars a day by operating unneeded buildings and facilities. Personally, I think that number is underestimated,. but that is what the General Accounting Office reported, and the VA did not deny it.

Any way you look at it, a million dollars a day is a lot of waste. We shouldn't be supporting waste by sending extra money to certain areas to support unneeded VA facilities. That's what this amendment would do. We should be encouraging the efficient expenditure of veterans' health care dollars. Taxpayers want the men and women who have served their country in uniform to have quality health care, and they want Congress to take care that their money is well spent.

Mr. Chairman, a vote for this amendment is a vote for waste of veterans' health care money, pure and simple. It would be a step backward that would hurt most veterans by virtue of where they live. I urge my colleagues to do right for both veterans and taxpayers by defeating it.

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

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

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 35 OFFERED BY MR. HINCHEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. HINCHEY:
Page 90, after line 16, insert:

SEC. 426. Any limitation in this Act on funds made available in this Act for the Environmental Protection Agency shall not apply to—

(1) the use of dredging or other invasive sediment remediation technologies;

(2) enforcing drinking water standards for arsenic; or

(3) promulgation of a drinking water standard for radon

where such activities are authorized by law.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

MODIFICATION TO AMENDMENT NO. 35 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I ask unanimous consent to modify the amendment in accordance with the submission that is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

MODIFICATION TO THE AMENDMENT OFFERED BY MR. HINCHEY

The amendment as modified is as follows:

Page 90, after line 16, insert:

SEC. 426. Any limitation in this Act on funds made available in this Act for the Environmental Protection Agency shall not apply to:

(1) the use of dredging or other invasive sediment remediation technologies; or

(2) enforcing drinking water standards for arsenic

where such activities are authorized by law.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from New York?

There was no objection.

Mr. HINCHEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the purpose of this amendment is to strike from the bill language which is antienvironmental in its intention. It is a rider which is contrary to environmental protection, which I believe has been inappropriately placed in the bill.

First of all, this language would make it impossible for the EPA to conduct activities which are designed to find out what exactly exists in certain areas that are contaminated, in river, lakes, streams and the oceans in and adjacent to the country.

1730

The importance of this is simply to discover what threat these sediments pose. In many instances, these sediments are cancer-causing agents such as polychlorinated biphenyls, heavy metals, and other agents.

The intention of the amendment is to make it impossible for the EPA to proceed with its program to remediate these bodies of water, I believe, which are in dire need of that remediation. In some cases, this situation has been carried on for decades.

So the purpose of the amendment is to strike that language, and also to strike language which involves the issue of arsenic in drinking water. This language would prevent the EPA from establishing standards with regard to arsenic in drinking water.

I need not point out to the Members of the House that arsenic is indeed a particularly vitriolic poison. In fact, it occurs in many water bodies and public water supplies in a number of places around the country. So the EPA, in carrying out its responsibilities to protect public health, the EPA is establishing these standards in order to protect the environment, but even more particularly, in order to protect public health.

This language prevents us from dredging and from finding out what is in the bottom of water bodies around the country and taking appropriate remedial action. It also prevents us from establishing standards with regard to arsenic in drinking water.

I ask the majority of the Members of the House to join me in striking this anti-environmental rider from this bill.

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

Mr. WALSH. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

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

Mr. Chairman, first of all, I want to say that this is an amendment that does not do what the author would like it to do. Very simply, the author would like to strike language contained in the committee report, not in the bill but in the report, dealing with direction to the EPA on dredging and in enforcing certain arsenic regulations.

Although he and others will allege that this language somehow reaches in and cancels report language, certainly no reasonable interpretation would come to that conclusion. Specifically, the language refers to limitations in this Act on funds made available in this Act.

I would say to the gentleman that there is no limitation in the Act on any of the above-mentioned issues. There is in particular no limitation of funds in the Act on any of these issues. Moreover, there is not even a limitation of funds on either of the issues contained in the report language.

Despite the author's best intentions to somehow link what he would hope to accomplish with this language, it plainly and simply cannot and does not do what he would like it to do.

I would like to shift now from a technical interpretation of the amendment to specific comments on the issues that the gentleman objects to. I will confine my comments to the issue of dredging.

This is a very controversial issue. The EPA itself, up until just recently, had rejected the option of dredging because of the resultant pollution downstream from the dredging site. As we all know, when we stir up mud in the river, it travels down the current. When there are toxins in the mud in the river, they travel with the current, so other parts of these rivers would be affected as that dredging began to occur.

The EPA was opposed to dredging for many, many years. Now there has been a change of heart and they want to proceed. Mr. Chairman, we all agree that the toxins that are in our bodies of water need to be dealt with. They need to be dealt with in the safest, most effective ways. We do not want our fish and our wildlife and our vegetative growth and our fellow human beings poisoned by these toxins.

But there is much to sit and debate about the best way to deal with this. What the report language in this bill suggests is that the National Academy of Sciences will come out with a study sometime in September. At that point, the EPA will receive some direction in their decision-making from the National Academy of Sciences report, and they will then incorporate that into their operating plan.

Once they have accomplished that, they can proceed, so we want them to get the benefit of the good science and then incorporate that into their plan, and make a good decision and go forward.

I would just state lastly that this is the last time that this issue will be dealt with in this bill because the body of knowledge will be available for informed decision-making by the end of this year, so this is the last time we will deal with this in this bill.

I would urge rejection of this amendment. Let us make sure we have good science before we proceed.

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

Mr. HINCHEY. Mr. Chairman, I yield 90 seconds to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of the Hinchey-Brown-Waxman amendment.

As the ranking member of the Subcommittee on Health and Environment, which has jurisdiction over the Safe Drinking Water Act, I am very concerned about the report language of the Committee on Appropriations with respect to arsenic.

The committee report language essentially tells the EPA not to enforce current law regarding arsenic. The current standard of 50 parts per billion was established in 1975 based on a public health standard originally established in 1942. However, arsenic is now understood to be much more toxic than we thought it was even 10 years ago.

In addition to more evidence on skin cancer, sufficient evidence has been found to link arsenic to fatal lung and bladder cancers and to other organ cancers. Arsenic is a known human carcinogen.

The EPA is in the process of revising the arsenic drinking water standard to be more stringent, but the new standard will not go into effect until 2004 at the earliest. It would be irresponsible for Congress to instruct the EPA to ignore cases in which drinking water supplies do not even achieve the current standards of 50 parts per billion.

This appropriations rider makes a significant change in national policy on drinking water, but the Subcommittee on Health and Environment, which successfully reauthorized the Safe Drinking Water Act just 4 years ago, has not been given the opportunity to review it, nor have any bills introduced in this Congress on arsenic in drinking water.

This anti-environment rider in the report is bad procedure and bad policy. I strongly urge my colleagues to vote yes on the amendment.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to my colleague and good friend, the gentleman from New York (Mr. SWEENEY).

(Mr. SWEENEY asked and was given permission to revise and extend his remarks.)

Mr. SWEENEY. Mr. Chairman, the gentleman from New York (Mr. HINCHEY) would like us to believe that dredging over 1 million tons of sediment from the Hudson River, disrupting the recovering ecosystem, releasing PCBs downstream, shutting off recreational use of the river, and landfilling 85,000 truckloads of dredge material on dairy farms in the Upper Hudson region is somehow the only reasonable action to be taken in the best interests of New Yorkers in order to remediate the Hudson River.

I would advise the gentleman that neither he nor the EPA should feel it necessary nor appropriate to lecture our residents on what is best for their communities. I do not believe we should let politics dictate our efforts to remediate the Hudson River. Simply put, I want to see science and facts applied here.

Mr. Chairman, the public has lost confidence in the EPA and in this endeavor. As the chairman mentions, it has gone on way too long. I have brought a couple of charts that will exemplify what we are talking about here.

In the first chart here, the level of 10 exists. These are the past dredging experiences that the EPA has conducted. In each of the dredging experiences they have conducted the level of 10, which is now what the upper Hudson River level is, has been met in their most successful operations, meaning that if they dredge now they will have to realize unprecedented successes.

The second chart, using EPA science, shows the three ways, the natural recovery, the source control natural recovery, the source control dredging recovery, in terms of remediation of the river. If we look at those lines, we will notice that there is barely a distinction in terms of the kind of recovery.

The EPA has lied to the citizens in the upper Hudson valley. They began a covert study to look at landfilling those dredge materials. They have lost the confidence of those people in that area.

As the chairman pointed out, the National Academy of Sciences report due out in September needs to be incorporated in so that we have the public confidence regained in this endeavor. I urge a no vote, a strong no vote in this effort.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for yielding time to me. I strongly rise in support of the Hinchey amendment.

Mr. Chairman, the concern I have is that we are seeking knowledge and seeking better ways to do clean-ups with the National Academy studies. On the other hand, we have existing technologies and we have problems that are endangering people's health today.

I think we ought to use the knowledge and technology that is available today to help our fellow citizens in cleaning up these waterways while we continue to seek better ways to do so. I am very concerned about the potential delay.

I have a similar situation in my own district that has been studied for 24

years. One of the elements we have incorporated in the project cooperative agreement is a review every 5 years so we can incorporate new technologies as they come online, but I think it would be a mistake today to delay improvements in cleaning up our waterways that today endanger people's health.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS), the remaining time to close.

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

Mr. Chairman, I rise in strong opposition to the amendment offered by my friend, the gentleman from New York.

Here we go again. The EPA is rushing to implement a new arsenic standard in the water with very little justifiable new scientific evidence. They will tell us that the new, more stringent standards of our communities will be at risk, and therefore we must plow ahead.

No one on this floor wants anyone's drinking water to be unsafe. I, for one, am not condemning the EPA for setting scientific safe and reasonable drinking water standards. But there is a consequence to these authoritative actions.

I oppose the EPA requiring small, rural community water districts to spend $10 million to $20 million to comply with the current arsenic standards when the EPA is going to mandate an entirely new and more stringent standard in January of 2001. This tactic is simply going to force small rural water districts to unnecessarily spend millions of taxpayer dollars to build a new water treatment facility to comply with current standards, and then 6 months later spend an additional $10 million to $20 million to build an entirely new facility to comply with the new EPA standards.

If the EPA, Mr. Chairman, has its ways, these small communities will spend up to $35 million to comply with two separate standards. Would it not make sense for communities to build one safe and adequate facility that seeks to comply with the new more stringent standard, rather than 6 months down the road spending an additional $20 million?

This situation occurs throughout my State, it occurs throughout a number of other States. I am sure that there are many communities around who are concerned, whether they are small or large, with the attempt to have to comply with the current existing arsenic standards, facing the new future standards as well.

Let me say, Mr. Chairman, that this is a wrongheaded tactic. Why should any community, large or small, be forced to spend that extra $1 million? I stand here, Mr. Chairman, in opposition to this amendment. We should oppose the Hinchey amendment because it is unnecessary. This is a commonsense report language, and in no way ties the hands of the EPA. It merely allows communities to concentrate on meeting one arsenic standard, build one water treatment facility, and save rural water districts millions of dollars in unneeded and duplicative and costly regulations.

Mr. Chairman, I ask all my colleagues to oppose the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise today in strong support of the Hinchey amendment and against the rider prohibiting the EPA from cleaning up contaminated sediments in our waters.

This language is simply a delay tactic to protect those who have polluted our waterways and do not want to incur the expense of cleaning them up. Many of our rivers and lakes are still polluted from years and years of toxic chemicals being released into them. The people of New York have been waiting for decades. We are not plowing ahead, we have been waiting for decades for the EPA to begin the process of cleaning up the PCB-polluted Hudson River.

Now, as the EPA is on the cusp of beginning the clean-up, this provision was included in this bill to stall the EPA yet again. While I agree that we should make all efforts to ensure that any environmental remediation activities are as safe as possible, I do not believe that this is the case here.

1745

Quite frankly, this language is meant to delay action on cleaning up the Hudson River by making it more difficult for the EPA to take actions in defense of the environment. I urge my colleagues to vote in favor of the amendment and in favor of finally moving to clean up our waterways.

(Mrs. NORTHUP asked and was given permission to revise and extend her remarks.)

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I rise in support of this amendment and commend the gentleman from New York (Mr. HINCHEY) and Representative BROWN for their leadership on this important issue.

Once again, we are confronted with a VA-HUD appropriations bill and report that contains damaging and mind-boggling antienvironmental riders.

There are two contenders for this year's winner in the category of the most outrageous and ludicrous antienvironmental riders. The nominee is the language that actually makes it more difficult to clean up PCB, and it is competing against an equally nonsensical provision that would make it more difficult for EPA to keep arsenic out of drinking water.

I really am quite mystified at the fact that we are in the middle of an election year; and 2 weeks ago, the Republicans bring to the House floor a tax break of $20 billion for 400 families. The next week they come in with a bill that cuts the funding for nursing home inspections. Then tomorrow we are going to have to fight whether we are going to continue a lawsuit against the tobacco industry. Now they want arsenic in our drinking water. What constituents are they appealing to?

Mr. HINCHEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. BORSKI), ranking member of the Subcommittee on Water Resources and Environment).

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Chairman, I rise to support the Hinchey amendment and express my opposition to the antienvironment provisions contained in the bill and its report. It seems as though we go down this road every year fighting riders and report language designed specifically to stop the Environment Protection Agency from advancing the protection of human health and the environment.

Just a few short weeks ago, the majority claimed to have adopted a policy of no antienvironmental riders in appropriations bills. Unfortunately for human health and the environment, this is not the case. Instead, the majority has determined to place antienvironmental provisions in the committee report. This amendment is necessary to undo that harm.

Mr. Chairman, I am particularly concerned that the report accompanying this bill would prohibit EPA from removing contaminating sediments from rivers and lakes, even when such removal has been thoroughly studied and is the correct response. Contaminated sediments possess huge risks to health and the environment.

Mr. Chairman, we all know there are two sites that drive this issue every year which are both heavily contaminated with PCBs.

This broad language will stop or delay cleanups not only at these two sites, but also at 26 other sites in 15 States. It is time to stop interfering with EPA protecting human health and the environment. Support the Hinchey amendment.

Mr. Chairman, I include the following letters for the RECORD:

JUNE 19, 2000.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the organizations listed below, we are writing to you in strong opposition to an anti-environmental rider on the FY2001 VA–HUD appropriations bill regarding the Clean Water Act's TMDL program, which may go to the House floor as early as today. Our organizations have consistently opposed all anti-environmental riders, and we urge you to oppose this and other such anti-environmental riders on appropriations bills this year.

The section of the VA–HUD Sub-Committee report, under EPA–Environmental Programs and Management, attempts to use a rider to interfere with EPA's rulemaking

process and guidance on the Clean Water Act. Total Maximum Daily Loads (TMDLs) are part of the Clean Water Act's strategy for attaining and maintaining water quality standards in polluted waters. They require that states identify all sources of pollution that impair the uses of waterbodies, such as drinking, swimming or aquatic habitat. Once identified, the TMDL process is a way to ensure that responsibility for reducing pollution is fairly allocated. The conservation community considers this rider an attack on a key opportunity under the Clean Water Act to clean up our nation's waterways. Furthermore, we have serious concerns about Congress' interference with the rulemaking process with a rider.

Moreover, Committee report language encourages EPA to revoke a clean Water Act guidance document issued by the agency's Region IX related in part to the TMDL program that is deemed by the Committee to be too ''stringent'' for the business community. The Committee's intervention on behalf of polluters and the States to prevent a strong TMDL program by discouraging regional offices from adopting guidance to implement the law is an anti-environmental attack on the Clean Water Act. The Region IX guidance at issue is a clarification of long-standing Clean Water Act legal requirements.

The provision of the proposed TMDL rule which has generated the most controversy is the silviculture provision. In response to industry and congressional concerns, the U.S. EPA last week announced that the TMDL rule that is expected to be finalized this summer will not include this provision.

We believe the TMDL program of the Clean Water Act offers the best opportunity to clean up our nation's polluted waters comprehensively and equitably. We urge you to uphold the interests of the Clean Water Act and the value of the TMDL program by opposing this rider.

Sincerely,

Elizabeth McEvoy, Center for Marine Conservation; Daniel Rosenberg, Natural Resources Defense Council; Ted Morton, American Oceans Campaign; Paul Schwartz, Clean Water Action; Steve Moyer, Trout Unlimited; James S. Lyon, National Wildlife Federation; Rick Parrish, Southern Environmental Law Center; Nina Bell, Northwest Environmental Advocates; Ann Mills, American Rivers; David Anderson, Chesapeake Bay Foundation; Jackie Savitz, Coast Alliance; Barry Carter, Blue Mountain Native Forest Alliance; Norma Grier, NW Coalition for Alts to Pesticides; Daniel Hall, American Lands; Jim Rogers, Friends of Elk River; Bruce Wishart, People for Puget Sound; Jennifer Schemm, Grand Ronde Resource Council; Ric Bailey, Hells Canyon Preservation Council; Steve Huddleston, Central Oregon Forest Issues Committee; Mary Scurlock, Pacific Rivers Council; Mick Garvin, Many Rivers Group, Sierra Club; Francis Eatherington, Umpqua Watersheds, Inc.; James Johnston, Cascadia Wildlands Project; Hillary Abraham, Oregon Environmental Council; Asante Riverwind, Blue Mountains Biodiversity Project; Karen Beesley, Nurse Practitioner; Mettie Whipple, Eel River Watershed Association, Ltd.; John Kart, Audubon Society of Portland; Bill Marlett, Oregon Natural Desert Association; Mr. Benson, Association of Northwest Steelheaders; Elizabeth E. Stokey, Organization for the Assabet River; Maria Van Dusen, Massachusetts Riverways Program; Pepper Trail, Rogue Valley Audubon Society; Glen Spain, Pacific Coast Federation of Fishermen's Associations; Ed Himlan, Massachusetts Watershed Coalition; Pine duBois, Jones River Watershed Association; Michael Toomey, Friends of Douglas State Forest; Ellen Mass, Friends of Alewife Reservation.

ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES,
Washington, DC, June 16, 2000.

Re: Municipalities Support EPA's Revised TMDL Program.

Hon. ROBERT A. BORSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BORSKI: In August 1999, EPA released proposed regulatory revisions to clarify and redefine the current regulatory requirements for establishing Total Maximum Daily Loads (TMDLs) under the Clean Water Act (CWA) §303(d). Recognizing that the proposed rule has undergone some significant changes in the past year, the Association of Metropolitan Sewerage Agencies (AMSA)—AMSA represents the interests of 246 of the nation's publicly-owned wastewater treatment agencies. Together, AMSA member agencies serve the majority of the sewered population and treat and reclaim more than 18 billion gallons of wastewater every day—supports EPA's efforts to revise the existing TMDL program, as well as its schedule for finalizing the revisions by June 30, 2000.

AMSA anticipates that the final rule will be a major improvement over the existing TMDL program, which has traditionally focused solely on controlling point sources, i.e., municipalities and industry, rather than developing comprehensive solutions to the nation's water quality problems. During the past 30 years, point sources of water pollution—wastewater treatment plants, industry, and others—have met the challenges of the Clean Water Act to achieve our national clean water goals. The investment in wastewater treatment has revived America's rivers and streams, and the nation has experienced a dramatic resurgence in water quality. However, according to the U.S. Environmental Protection Agency (EPA) 40 percent of our waters remain polluted—largely by nonpoint source pollution. The situation will not improve until we include all sources in the cleanup equation.

EPA's revised rule is expected to encourage the development of implementation plans for TMDLs that provide as ''reasonable assurance'' that all source of pollution, point and nonpoint, will be addressed as part of a cleanup plan. Development of implementation plans will ensure that the regulated community and the public have an opportunity to review and understand how the regulatory agencies will respond to local water quality problems. Implementation plans will also help to ensure that municipalities, which hold many of the nation's existing discharge permits, are not forced to remove increasingly minimal amounts of pollutants from their discharge at significant expense, while the major pollution contributions from uncontrolled sources remain unaddressed. Implementation plans, while requiring extra time and resources to develop, will encourage holistic solutions that will meet water quality goals, and will likely save billions of dollars nationwide by ensuring proper expenditure of limited local resources.

In addition to ensuring more involvement from all sources of pollution, EPA's revised rule is also expected to improve the existing TMDL program in several other areas including:

Improved ability for the regulated community and the public to review decisions by state and federal regulatory agencies to include or exclude waters on TMDL lists.—Currently, this lack of protocol has led to the listing of many impaired waters based upon outdated or very limited data, with very little ability for public input or review. Requirements to develop and follow these protocols will help to ensure that TMDLs are properly developed using technically-based, scientific approaches, which are supported by data of adequate quality and quantity.

Allowing new or expanded discharges on impaired waters.—Current regulations at 40 CFR Part 122.4 effectively prohibit new discharges to impaired waters during TMDL development. EPA's revised proposal should provide more flexibility for new dischargers, or the expansion of existing discharges during the 8 to 15-year TMDL development process by allowing new or increased discharges where adjustments in source controls will result in reasonable progress toward environmental improvements. Given that 40,000 waters are currently on EPA's impaired waters list, this flexibility is critical if we are to allow for the continued economic viability and growth of our nation.

Providing more realistic deadlines.—The existing TMDL program is currently being driven by the courts, with extremely ambitious schedules and deadlines for a developing and implementing TMDLs. These deadlines will likely result in poorly developed TMDLs based on little or inadequate data, or grossly simplified TMDLs that fail to address costly implementation issues. EPA's revised rules are expected to allow up to 15 years of develop TMDLs, which will provide a more realistic timeframe to develop and analyze the necessary data needed to properly develop adequate TMDLs.

While AMSA still has some concerns with EPA's revised rule, we do believe that the program revisions will provide greater clarity concerning the roles and responsibilities of all stakeholders in the TMDL process, and would make significant improvements in our efforts to improve the nation's water quality. We therefore urge you to oppose any legislative efforts tht may interfere with EPA's ability to issue and implement its comprehensive TMDL program revisions.

If AMSA's staff or member POTWS in your home state can assist you in any way, please call me at (202) 833–4653. Thank you for your consideration of our request.

Sincerely,

KEN KIRK,
Executive Director.

Mr. HINCHEY. Mr. Chairman, may I inquire as to the time that is remaining.

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) has 1½ minutes remaining.

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

Mr. NADLER. Mr. Chairman, for over 25 years, the General Electric Company in New York has been thwarting any effort to clean up the Hudson River of the tons and tons of PCB they dumped into that river. For 20 years, they demanded study after study after study. For 20 years, they told us the river itself would eliminate the sediments. It has been studied. It has been studied and studied and studied to death for 20 years. We know that the river itself did not eliminate the sediments. We know they must be required to do so.

The EPA, having finished its findings, is finally requiring GE to clean up the crud that they put in the river that

is poisoning the ability of communities downstream to use the water, to drink the water, to use it for other purposes.

Now we have this language that says, in the interest of General Electric, we will tell millions of people you cannot clean up your water. This language is foul. It is intended to protect the foulness of our water. I urge everybody to unfoul it by supporting the Hinchey amendment.

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

Mr. Chairman, I just want to point out that there are 14 States, some 30 sites that will be affected by the language in this amendment, 30 places around the country which are heavily contaminated with heavy metals and toxic contaminants of various kinds which the EPA will not be able to investigate, to find out what is there, to develop a technology and a program for remediation if this language stays in the bill.

This language is inappropriate in this appropriations bill. It ought to be taken out. I ask everyone to join us in support of this amendment.

Ms. VELAZQUEZ. Mr. Chairman, I rise in strong support of the amendment introduced by my dear colleagues Mr. HINCHEY, Mr. BROWN and Mr. WAXMAN. This amendment would ensure that this Body does not impose limits on the use of EPA funds for dredging or other remediation technologies to clean up contaminated sediments in lakes and rivers.

The Gowanus Canal, located in Brooklyn, New York, is in great need of being dredged. Historic industrial uses in and around the canal have caused significant amounts of hazardous materials to accumulate at the bottom. The shallow depth restricts the use of the canal for navigation and commercial purposes. Most importantly, Mr. Speaker, the contaminated sediments represent a continued health threat for the natural resources of the area.

This amendment is about many lakes and rivers around the country and their surrounding communities. It is about the economic development and prosperity opportunities that can not properly take place in contaminated areas. It is about not limiting resources to enforce drinking water standards.

Mr. Chairman, let us not limit the great economic and community development possibilities and the restoration of the environment for my constituents and for people and communities around the country. Limiting those opportunities by limiting resources would be a disservice to the people we represent.

I urge my colleagues to support this amendment and ensure that the people we represent have no limits imposed upon their health, and the restoration of their lakes and rivers.

Mr. HOBSON. Mr. Chairman, I rise today to speak against this amendment and in favor of the report language included in this bill. As a member of the Appropriations Committee and the VA–HUD Subcommittee, I support the common-sense approach the Committee has already taken to address the problem of contaminated sediments in our rivers.

Three years ago, Congress directed the EPA not to issue dredging or capping regulations until the National Academy of Sciences completes a study on the risks of such actions. Qualified scientists are working to finish this report to determine the best way to clean up rivers with minimal impact to the surrounding environment. This has been an open process, allowing input from the public, environmental organizations, and from the EPA itself.

Mr. Chairman, I agree that this is an environmentally sensitive issue, and it is important that most qualified, independent scientists weigh in on this regulation. This is why I support the existing language, which directs the EPA not to act prematurely and wait until the NAS study is complete. I encourage a ''no'' vote on this amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from New York (Mr. HINCHEY).

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

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment, as modified, offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

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

Mr. Chairman, pursuant to an agreement that we reached earlier in the day, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER) only for purposes of discussing his amendment No. 7.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from West Virginia and will briefly discuss an amendment that was subject to a point of order and, therefore, legislating on appropriations bill, and I could not offer it.

This body just decided to go forward and fund a Space Station that is $90 billion overbudget. Now, if this body is going to proceed with that kind of decision, I would hope that they would do it prudently and with our taxpayers in mind and with science at the forefront. My amendment would simply say get the Russians out of the critical path and build it with the American interests in the forefront.

Right now, according to this graph, this is the pie graph of how the Space Station is built. The United States funds about 74 percent of it; Europe, 11 percent; Canada, 3 percent; Russia has a question mark. Why? The General Accounting Office has just come out with a new study saying that the Russian participation will cost the American taxpayer $5 billion in the future because they are not coming forward with their money, with their time, with their components. The U.S. taxpayers in Indiana, Illinois, Massachusetts, New York, and West Virginia are going to have to fund this.

So I encourage this committee to address this very critical issue and get the Russians out of the critical path, get them out of the critical path so that they cannot gum up the works and they cannot force the American taxpayer to send their hard-earned money over to Russia.

Mr. Chairman, will the gentleman from West Virginia (Mr. MOLLOHAN) yield to me for the second amendment?

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Indian (Mr. ROEMER) for the purpose only of speaking on his amendment No. 8.

Mr. ROEMER. Mr. Chairman, the other amendment would simply again look at the U.S. taxpayers' interest, and it would cap the overall costs of the Space Station.

According to a graph put together by CRS back in about 1988, the Space Station took about 4 percent of NASA's budget. So out of an overall spending of $13 billion, $13.2 billion, the Space Station consumed about 4 percent.

Today, in the year 2000, that spending level is up to almost 20 percent of the NASA budget. So NASA is starting to cannibalize, cancel, withdraw from, and not do some very important scientific projects within the NASA budget. That might be Shuttle safety programs, guaranteeing the safety of our astronauts. They might be programs to do things faster, cheaper, better. They might be space science programs. They may be missions to Mars where, according to today's paper, scientists are claiming that they have discovered water on Mars. Instead of building a Space Station that limits our dreams, why not go beyond that?

So I would encourage my colleagues, if we are going to build this Space Station, do it smartly, do it prudently, do it wisely, and do it with the taxpayers' interests in mind. Do not send $5 billion in the next couple years to Russia, not our hard-earned money, not our families' hard-earned money. These are two steps that the appropriators and the authorizers should take to curtail costs of the Space Station in the future.

I would encourage my colleagues not to build it and plow this money back into the National Science Foundation, back into NASA, back into other good manufacturing programs that keep good high-paying jobs in America.

So with that in mind, I would hope the gentleman from New York (Chairman WALSH), who I greatly respect, and the gentleman from West Virginia (Mr. MOLLOHAN) would consider these kinds of amendments next year if we are going to go forward with this.

Get the Russians out of the critical path and also put a cap on the Space Station that Mr. MCCAIN has led efforts on in the Senate side. The Senate has agreed to do that, but the House has not.

AMENDMENT OFFERED BY MR. COLLINS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COLLINS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used prior to June 15, 2001, for the designation, or approval of the

designation, of any area as an ozone nonattainment area under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone that was promulgated by the Environmental Protection Agency on July 18, 1997, (62 Fed. Reg. 38,356, p.38855) and remanded by the District of Columbia Court of Appeals on May 14, 1999, in the case, American Trucking Ass'ns. v. EPA (No. 97–1440, 1999 Westlaw 300618).

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

The Chair recognizes the gentleman from Georgia (Mr. COLLINS).

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

Mr. Chairman, in 1999, the U.S. Court of Appeals ruled the EPA had unconstitutionally usurped Congress' legislative authority in establishing strict new Federal air quality standards. Reasonable persons expected the agency to delay further implementation of these standards until the Supreme Court rules on the agency's appeal early next year. However, the EPA has decided to go forward with the process of designating hundreds of new areas in nonattainment status despite the legal uncertainty.

This amendment is simple. It does not affect existing air quality standards, nor does it render judgment on new standards. It only requires the EPA to postpone further action until the Supreme Court issues its final ruling. The only common sense reasonable approach is to delay this process until the Supreme Court renders its decision in early 2001.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) claim the time in opposition?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 15 minutes.

Mr. WALSH. Mr. Chairman, I yield 5½ minutes to the gentleman from New York (Mr. BOEHLERT), my colleague and neighbor to the east.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. Chairman, I rise in strong, strong opposition to this amendment. Let me begin by explaining what the debate over this amendment is not about. This is not a referendum on the underlying ozone standards. The Supreme Court will review those standards later this year. This amendment takes no stand on whether those standards should move forward or not.

Second, and even more importantly, this amendment has nothing, absolutely nothing to do with whether the Environmental Protection Agency can impose sanctions on communities under the 8-hour ozone standard. The D.C. Circuit Court decision already prohibits EPA from imposing any sanctions before the Supreme Court hands down its decision.

Let me emphasize this again. With or without this amendment, no community will lose its highway funding, no community will face new restrictions on plant expansions, no community will face any new penalty or regulation under the new ozone rules before the Supreme Court decision.

1800

The sponsors of this amendment know that. When I suggested to them that statutory language to make it even clearer that the 8-hour standard could not be enforced before the Supreme Court rule, the sponsors dismissed it, telling me that EPA was already prevented from enforcing the new standard.

So, again, no one should vote for this amendment thinking that it will somehow protect their communities from enforcement of the new ozone rules before the Supreme Court rules. The lower court has already accomplished that.

So, then, what will this amendment do? This amendment would unnecessarily delay implementation of the new ozone standard if, and only if, it is upheld by the Supreme Court. This amendment would deny the public complete information about air quality by enabling communities to pretend that they do not have an air quality problem when the data indicate that they do.

This amendment would slow the cleaning of our Nation's air by short-circuiting a designation process that has been approved by the D.C. Circuit Court. In short, this amendment would undermine and delay efforts to clean our Nation's air.

And why would we undermine clean air efforts? The answers the sponsors provide are far from compelling. First, they say that continuing with the designation process would cost States and localities additional money. That is not the case. Governors will submit their designation proposals at the end of this month, long before this amendment takes effect.

Moreover, the data for these proposals comes from existing monitors that are already collecting data under the current ozone standard. The only remaining costs are marginal. Existing staff at the EPA and the State environmental agencies will spend some of their time reviewing the proposals and reacting to EPA's decisions.

There is no cost issue here. Voting for the amendment will not save much, if any, money. Cost savings are illusory. But approving the amendment would have very real human cost. The amendment will delay clean air efforts, resulting in more hospital admissions, more lost days of work, more misery, more suffering for American families. Those are real costs.

The sponsors of this amendment also suggest that this measure is needed because otherwise communities would get a damaging black mark. The idea here, I guess, is that dirty air does not exist if it is not officially recognized. But, unfortunately, our lungs do not react to political designations; they react to the chemicals actually present in the air. All the official designation does is to enable the new rules to move forward if, and only if, they are upheld by the Supreme Court.

Also, this black mark argument is a bit of a joke. It is not exactly a secret which counties may be out of attainment. EPA released a list of those more than 3 years ago, and the sponsors themselves have been circulating lists of out-of-attainment counties for weeks. In other words, the black marks have already been given. The only question is what we are going to do about those black marks. The amendment would remove the black mark temporarily by pretending they were never given. Without this amendment, communities can begin to figure out how to remove the black marks by actually cleaning up their air.

Mr. Chairman, I urge all of my colleagues to oppose this amendment. It is not necessary and it is contrary to the best interests of American families.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. LINDER), cosponsor of this amendment.

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

I think the crocodile tears the gentleman from New York has for the number of hospital admissions must come from a bad dream, because the EPA said to the court there is no way for us to quantify the health statistics with their new rule.

The EPA wants to move forward with designating areas, and the gentleman says that is not going to hurt anyone. But let me tell my colleagues what happens when designations are made. Highway funds stop under the Clean Air Act. Yes, highway funds stop, not because of enforcement but because of designation. Fewer loans are extended to businesses. A mountain of lawsuits from environmental groups, who are now given standing, are filed against States and localities. Many more thousands of dollars are spent by States and localities to comply with the designation process, not the enforcement process. News articles labeling regions as polluted, using standards that are unenforceable, will occur, and businesses moving or expanding will go elsewhere.

Finally, an effective designation triggers a conformity process under the Clean Air Act. That clearly means hundreds of billions of dollars in highway funds lost. This is real. The EPA ought to abide by the court decision.

Mr. COLLINS. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I ask the House to support my colleagues from Georgia and vote in favor of this amendment.

Mr. Chairman, the EPA's new standards could potentially triple the number of counties nationwide in violation of the Clean Air Act. Chattahoochee County, in my congressional district, could possibly be one of those counties impacted by the new national ambient air quality standards.

Mr. Chairman, Chattahoochee County is not an industrial county. It is a small poor rural county that is trying to build its economic base. EPA's new standards, no matter how well intentioned, could seriously damage this effort.

Last year, the United States Court of Appeals ruled that EPA's standards are legally unenforceable. The Supreme Court announced that they would consider EPA's appeal and all the arguments involved. Due to this legal uncertainty, I truly believe that the EPA should delay further implementation of the standards in order to allow time for the Supreme Court to rule on the pending appeal.

Mr. Chairman, if the Supreme Court upholds the Court of Appeals and does rule that the new standards are unconstitutional, our States and our local communities will have spent tax dollars to comply with illegal requirements and will have nothing to show for their investment in a federally mandated process. That is why I urge my colleagues to vote in favor of this amendment.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I rise in strong, strong support of the Collins–Linder amendment.

Now, I am sure we are going to hear today the standard EPA mantra that the new air quality standards would prevent thousands of asthma attacks and hospital admissions. We have already heard it. The problem is that was determined with very faulty studies and bad science. These were precisely the studies, the faulty studies, that the D.C. District Court found were not backed by credible evidence and violated Congress' legislative authority, and that led the court to overrule this agency. That is the first branch of the Federal Government saying to this Federal court that they must stop.

Furthermore, the Committee on Commerce listened hours on end to a debate with EPA on this and found the same thing: this science is not credible. We should not go forward with something until we know exactly what we are doing because there are negative consequences of this.

Everybody needs to vote for this amendment and tell the EPA to cut it out.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

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

It is my understanding, and I will address this to the gentleman from Georgia, that the courts did rule or they did say that the science was reasonable.

The other gentleman from Georgia, for whom I have great respect, made a comment about the gentleman from New York (Mr. BOEHLERT) having crocodile tears. Well, I can tell my colleague that I have crocodile tears because of some of the ozone days that we have here in the State of Maryland.

One of the counties in my district, Anne Arundel County, and I will say it for all to hear, is the 11th worst county in the United States for these kinds of ozone particulate problems. When that came out in the press, and it was substantiated, the people did not get angry that that information was there. The people were happy that they had that information so they could talk to the local county executive and figure out ways maybe they could help resolve that issue.

We have, in the State of Maryland, I do not know if it is worse than anybody else, but we happen to be in the jet stream, the confluence of the westerly winds that blow from the Midwest, and they come right across the mid-Atlantic States, and they come right across my district, and they carry everything from, well, not much from California, one would assume, but the industrial area of the Midwest, and all of that dirty air that they happen to put up in the atmosphere with the high smokestacks, and I am not saying anything about the industrial area of the Midwest, it just so happens we get a lot of the particulates and ozone problems from that region as a result of the jet stream.

Now, because of that, we do not want to not know that information. We want to know that information because, number one, we put up a lot of pollution ourselves. We have coal-fired power plants; we have the I–95 corridor that runs right through the State of Maryland and brings all that traffic and all those problems. So we want to know what we can do with our own situation here in the State of Maryland. Not placing the blame anyplace else, but saying we have a problem, we have the information, we want to learn about how we can solve it.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

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

Scientists have been studying the effects of ozone on human health for many years, and we know there are serious adverse health effects associated with ozone air pollution. Ozone can trigger asthma attacks, reduce lung function, inflame and damage the lining of the lung. Prolonged exposure can lead to permanent damage in the way human lungs function. So we have a serious health issue associated with ozone.

In 1997, EPA finalized new standards for ozone and fine particulate matters. In May of 1999, in a court case, the Court of Appeals for the District of Columbia remanded these standards back to EPA, and there is an appeal now going on to the Supreme Court. But an issue that is not under contention is whether ozone is harmful or whether EPA had the science to promulgate these standards. No one disagreed with that, and the court was explicit in underscoring EPA's decision that it was based on the science.

What is at issue before the Supreme Court is an issue under the nondelegation doctrine. And the Supreme Court is going to be looking at that question. It is really quite an unprecedented matter of law. But in the meantime, areas have been designated under this new standard. This Linder-Collins amendment would stop the designation.

Well, the designation ought to go forward. It does not require expenditure of money for costly monitoring. It does not require a loss of highway funding. It is not EPA disregarding the court case. This is important to go forward with the designations so the areas can be prepared to move once the Supreme Court has decided the issue.

If this amendment were agreed to, it would set us years further along before the localities would be in line to meet the standards and would be prepared to do what is necessary to meet those standards. I would hope Members would oppose the Collins–Linder amendment.

Mr. COLLINS. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

(Mr. TAUZIN asked and was given permission to revise and extend his remarks.)

Mr. TAUZIN. Mr. Chairman, I rise in strong support of this amendment, and I start with one question: Have we walked through the looking glass with Alice? Have we now entered Wonderland?

I want my colleagues to follow this with me. The Clean Air Act Amendments of 1990 specify in section 181 that EPA is to put in place a 1-hour standard for ozone and particulate protection, and to measure communities out of attainment based upon that standard.

EPA decided on its own to revise that standard. The court of appeals here in Washington said that was unconstitutional.

1815

It further held that their standards were arbitrary and capricious and they use no intelligible standards by which to address the science to this new formula they came up with. So they have got an unconstitutional formula standard on their hands. They are told they cannot enforce it. And yet today they are demanding that States declare communities across America out of the attainment on a standard that has been declared unconstitutional.

Have we entered Wonderland? Now we are told this is not going to cost

anything. EPA says this is going to cost $9.6 billion to implement. Have we got $9.6 billion to throw away, designating nonattainment communities on a standard that the Supreme Court might indeed declare unconstitutional? I ask my colleagues, who of them in their district has $9.6 billion to give to this worthless effort?

Secondly, the Supreme Court is going to rule on this next year. We are going to get an answer as to whether this is real or not. In the meantime, EPA wants to designate communities across America in 324 congressional districts, 324, three-quarters of the congressional districts of this House, are going to be designated out of attainment. For what? For a standard that has been declared unconstitutional.

Every one of those communities and congressional districts will be stigmatized for economic growth and development and will be told they are out of attainment, they are not in compliance with Federal law. And my colleagues tell me damage will not be done.

This is Wonderland. We need to adopt this amendment.

Mr. COLLINS. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT).

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

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Georgia (Mr. COLLINS) and the gentleman from Georgia (Mr. LINDER).

Mr. Chairman, this amendment would rightly supersede and suspend a bureaucratic fiat by unelected agency officials that could cost our States and communities billions of dollars as they struggle to comply with an unattainable, unsubstantiated, and unconstitutional standard.

We should protect our constituents from the significant costs of EPA's decision to mandate a new, highly restrictive ozone standard until the Supreme Court decides whether or not they have the legal and enforceable right to do so.

Already, the Court of Appeals has rejected the reasoning underlying the EPA's decision to mandate these standards. Taxpayers should not be burdened by premature enforcement of an agency's standard that cannot be enforceable and should not be issued.

Exposing taxpayers to the increased costs of regulations erected on a highly unstable constitutional footing makes little sense.

Let me be clear. This amendment is not a referendum on the Clean Air Act. It simply protects taxpayers by postponing further action by the EPA from prematurely designating these areas until the court has decided that the EPA has the right to do that.

Congress should protect its own prerogatives and the taxpayers by supporting this amendment and allowing the Supreme Court to render a final determination.

Support common sense and fairness. Require the Congress to accept our full responsibility in this area and allow the Supreme Court to make its decision.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I thank the gentleman very much for yielding me the time.

Mr. Chairman, America is only as strong as its communities; and by placing a giant question mark over our communities, we do a disservice to community growth.

My district, obviously, is one of the communities that would be adversely impacted by the implementation of the EPA standards.

The United States Court of Appeals has ruled that the EPA label for new air standards are legally unenforceable. So why does the EPA insist to place a badge of inferiority over our Nation's cities?

Indianapolis, from which I am elected, is a badge that the U.S. Court has viewed as having no merit. I support clean air. However, let it be under a standard that has the legal sanction of the U.S. court system.

If allowed, this badge of inferiority that lacks legal precedent could have an adverse impact on new businesses that may be less likely to open new facilities in areas designated as contaminated. It may have an impact on the hiring of new employees and community growth in that people may not desire to move into an area that has been deemed to be polluted.

Let us not place an illegal badge of inferiority on our American citizens.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN) a distinguished member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

As one of the 325 Members who could have all or part of our congressional districts included in the nonattainment areas under the EPA's 8-hour ozone standard, I want my constituents, especially seniors, children and those with asthma, to have cleaner air sooner rather than later.

In New Jersey, the months from April to October are not only the summer season, but they are also known as the ozone season. During this period, the Garden State will see an average of 240,000 asthma attacks; 2,000 related hospital admissions; and 6,000 related emergency room visits. These statistics are from the New Jersey Department of Health.

The 8-hour standard is 10 percent more stringent than the current 1-hour standard and incorporates larger geographic areas. This forces up-wind polluting States, such as those in the Midwest, to do more of their fair share to help down-wind receiving States, such as mine, come into compliance.

EPA's implementation of the Clean Air Act should go forward. I urge that the amendment be rejected.

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

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

Mr. BOEHLERT. Mr. Chairman, there is so much misinformation in this debate it is mind boggling.

Let me read from the D.C. Circuit Court decision. ''The factors EPA uses in determining the degree of public health concern associated with different levels of ozone and particulate matters are reasonable.'' That is a direct quote.

Secondly, not one penny is going to be spent in the designation process. The only money that will be spent is if the Supreme Court upholds these rulings. The fact of the matter is not one penny will be spent by any community. No community loses highway funds. No community loses any support from the Federal Government for economic development activities.

The gentleman from Maryland (Mr. GILCHREST) was absolutely correct. It all boils down to this: The American people have a right to know. The American people have a right to know.

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

Mr. Chairman, the gentleman is right, there is a lot of misinformation about this; and he just delivered some more.

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

Mr. TURNER. Mr. Chairman, I rise in strong support of the Linder-Collins amendment.

We are all supporters of clean air. This debate is not whether or not ozone is harmful. We all know it is. This debate is about fairness. It is a debate about whether or not we should all be able to play by the same rules.

Over a year ago, the Federal Circuit court found that the EPA acted without authorization in drafting these new 8-hour ozone standards. We know that that matter is on appeal. But we also know that the EPA is continuing to use these standards to label our communities and to designate some of them as nonattainment areas.

What does a nonattainment label mean? It means a suspense of Federal highway funds. It could mean the imposition of auto emissions testing programs. And it certainly means restrictions on all of our local industries. It is like a bright neon sign at the county line saying ''stay out'' to every business and industry that is looking for a new place to invest.

We believe that everybody should be able to play by the same rules and that we should wait until the Supreme Court rules.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of the gentleman, and I strongly associate myself with the comments from my colleague the gentleman from New York (Mr. BOEHLERT). He has it right. The ozone problems are proven.

This amendment would be a significant step backward. It is, in fact, legal and required to be done by the EPA. It would be wrong to set back this work up to 2 years while some of the legal issues are, in fact, being hashed out.

In Atlanta, failure to comply with the Clean Air Act provided much-needed catalyst for making a serious examination of the impacts of unplanned, rapid growth in its metropolitan area.

I think what is happening in Atlanta in Georgia is part of the success stories. Because the new governor had the courage and the foresight to move through a comprehensive approach they have not yet lost one dime of Federal highway money, they have been able to channel it for things that are in compliance with the plan, and they are able to move ahead and move forward.

It would be a disservice to Atlanta and to other areas of the country to not give people the best information, to not move forward as rapidly as we can, and not be ready to implement this if, as I believe it is in fact going to be the case, this is sustained by the Supreme Court.

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

Mr. BLUMENAUER. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Oregon (Mr. BLUMENAUER) for yielding.

Mr. Chairman, I would just like to make a comment on the previous speaker, the gentleman from Texas (Mr. TURNER), as far as putting a neon sign on his area that was considered in a nonattainment area for business purposes.

New York and Atlanta are both in nonattainment areas, and their economies are prospering. So I think that is a nonargument.

And, also, the gentleman from Oregon (Mr. BLUMENAUER) said no highway funds would be withheld as a result of this, and that is also true.

I think that people should know the quality of their air.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in strong support of the amendment.

The EPA has already acted. The energy and commerce committee acted in 1990, laid it out fairly specifically.

I certainly respect the gentleman from New York (Mr. BOEHLERT) but I differ with him on his interpretation of what the Court of Appeals said. He relayed some information that they had deemed something reasonable, but they also deemed it unconstitutional and they wrote I think very clearly.

I think where the mistake is here, the gentleman from New York (Mr. BOEHLERT) says that to pass this amendment would unduly delay implementation. Of course it would. That is the whole idea of the amendment, asking them not to be unconstitutional, not to usurp the congressional authority here.

They are presuming that the Supreme Court is going to bail them out. I presume the Supreme Court is going to follow the law and tell the EPA that they acted unconstitutionally, not to act. I think it is just that clear.

Mr. COLLINS. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

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

Mr. Chairman, throughout the VA/HUD appropriations hearings this year, I have had occasion to engage both EPA Administrator Carol Browner and Assistant Administrator for Air and Radiation Bob Perciasepe in a dialogue about their legal troubles and their faulty standards and their flips and their reversals and their scientific troubles.

In light of all that, let me explain a little personal experience we are having with EPA in Michigan.

The EPA implemented national restrictive mandates on air using a 1-hour measurement. Then EPA revoked the 1-hour measurement and switched to an 8-hour measurement. Next the courts explained to EPA that their actions were unconstitutional. Then the EPA flipped back again to the first restrictive mandate.

As my colleagues can imagine, the States and the regulated community are frustrated and harmed by EPA's failures.

Now the EPA is ignoring the most recent air quality data and is instead relying on old, out-of-date designations that were in place at the time the 1-hour measurement was revoked the first time.

Now, if my colleagues are lost, so were we and so are we.

Now, this bad action by EPA violates the long-standing legal principle of fairness known as ''detrimental reliance.''

We can do a whole lot better than this. For just such examples as these, I support the amendment and congratulate the gentleman from Georgia (Mr. COLLINS) and the gentleman from Georgia (Mr. LINDER) for their leadership.

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

Mr. Chairman, a lot has been said about gathering information. And information is important. It is important for our cities and our communities to know just exactly what kind of quality of air they have there for their citizenry. But this does not stop information gathering.

What we are concerned about is the designation, the mark, the stigma, the scarlet letter that so many people will look at prior to entertaining that community as a place to locate a business or even to locate themselves.

1830

The amendment is just good common sense: wait until such time as the Supreme Court rules on this issue. Mr. Chairman, I know a lot of times common sense does not prevail that much here. But I hope it does today.

Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. LINDER).

The CHAIRMAN. The gentleman from Georgia is recognized for 1½ minutes.

Mr. LINDER. I thank my colleague for yielding me this time.

Mr. Chairman, let me just deal with three points. None of us want our constituents to suffer illness because of air. But let us talk about what actually was said in the court. The D.C. Circuit specifically noted that EPA's arguments on the health effects of changing from the 1-hour rule to the 8-hour rule for the 1997 standard were bizarre. That is the court's response. Bizarre. The EPA itself argued during the trial that the health effects were irrelevant to the development of the rule, and EPA's own final rule on the 8-hour standard notes that quantitative risk assessment could not be developed. This is the EPA speaking.

With respect to the transportation issue and the highway funds, in the Clean Air Act a nonattainment designation, which the gentleman from Georgia (Mr. COLLINS) referred to, triggers the conformity process. Under this process, a region can lose all access to its Federal highway funds even if it is in conformity. No EPA enforcement actions are necessary to trigger conformity. Only a nonattainment designation is needed to threaten a region's highway funding. The Federal DOT directs all enforcement during this process.

Finally, let me say that this is not unprecedented. The gentleman from New York voted for this 2 years ago. In TEA–21, we had a provision that stayed the rules, that stayed the designation process for 1 year; and we had that because we thought the court would be completed within 1 year. All Members who voted for TEA–21 voted for this moratorium, 297 Members strong. Unfortunately, the delay was not long enough. We will just be extending it until the court finally decides.

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

I would just like to congratulate both sides in this debate. I thought the debate was conducted at a high level. Solid points were made on both sides. My view is that we should, when we have a decision to make, make it based on facts; and I think we should err on the side of caution. Caution in the sense of human health would dictate that we oppose the amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. BOEHLERT), who has been a leader and one of the reasons that New York's air and water are cleaner than ever.

Mr. BOEHLERT. Mr. Chairman, the Collins–Linder amendment is nothing less than an effort to unnecessarily undermine clean air efforts by dragging them out forever. All the designation

does is give the public information, information that they need to protect their families. Nothing can go forward until the Supreme Court acts.

Are the sponsors afraid that a simple listing of a nonattainment area will do damage? Are they worried that communities might start planning to clean up their air? Are they afraid the citizens might start agitating for cleaner air? Do they think that pretending that an area has clean air by delaying its listing will enable its citizens to breathe easier? We want to equip the American public with the information they need to make intelligent decisions. If all we do is continue to study these problems, we will end up with the best documented environmental disaster in history.

Mr. ALLEN. Mr. Chairman, I rise in opposition to this amendment, which could delay health protections for millions of Americans.

National ozone standards are a key tool in the fight against respiratory disease.

Last year the DC Circuit court ruled that the new 8-hour ozone standards can not be implemented in their current form.

However, it did not question their scientific basis, and it recognized that current law requires EPA to designate non-attainment areas for the new standards.

Because the case is under appeal to the Supreme Court, the EPA cannot impose sanctions or restrictions or non-attainment areas.

EPA cannot enforce the new standards until the Court has ruled on the appeal, so this amendment will not save any counties or states from paying federal penalties.

This amendment will only prevent us from knowing just how polluted our air really is . . . . . And needlessly delay ozone reductions that will improve air quality for every American.

Opponents of tighter standards say that designating non-attainment areas will be too costly.

They say that gathering air quality information is not worth our time or money.

But with rising asthma rates and soaring health care costs, delaying tough ozone standards will be far more expensive.

Today 30 million Americans live with lung disease, and their conditions worsen with each breath of unhealthy air.

It costs more than $10 billion a year to treat the 17 million Americans who suffer from asthma.

Asthma rates are growing most quickly among young children, so there is every reason to believe that costs will continue to climb.

But health care costs alone don't tell the whole story.

Unhealthy air hurts everyone's quality of life.

Last fall, when I introduced a bill to cut toxic emissions from power plants, I was joined at a press conference by Joan Benoit Samuelson, an Olympic marathon gold medalist, and Maribeth Bush, a young woman from Portland, Maine who suffers from chronic lung disease.

Ironically, each woman said that she doesn't need to watch the weather report to learn the air quality in Maine that day.

One woman has met challenge as a world class athlete, while the other finds every breath she takes a challenge.

Yet both need only step outside each morning to determine if the air is unhealthy to breathe.

On a bad ozone day, everyone suffers, and this amendment will only delay improvements in air quality that will help us all breathe more freely.

The amendment is unnecessary, it is harmful, and I urge its defeat.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise in support of the Linder/Collins amendment.

Despite a ruling last year from the U.S. Court of Appeals, the Environmental Protection Agency continues to press states to enforce its new air regulation standards. The Appeals Court had declared the new standards unconstitutional delegations of legislative powers. The EPA has now appealed to the Supreme Court, and the Court will hear the case.

In the meantime, however, EPA has notified governors that they have until June 30 to designate areas that will not meet the new air standards or the EPA will do it for them. EPA should not be pushing states to enforce regulation that have been struck down in court and whose future will be decided by the Supreme Court.

Five counties in my district have been put on notice that they will not be in attainment of these new rules. How can these counties become non-attainment areas of a regulation that has been declared invalid by the Appeals Court? The EPA does not know what the outcome of the Supreme Court decision will be, yet it is acting as though the air standards are law, instead of respecting the decision of the Appeals Court.

Edmonson County in my district is a rural area with little industy. Much of the country is home to Mammoth Cave National Park. Yet Edmonson County faces the possibility of becoming an ozone non-attainment area. The area easily meets the current ozone standards. Requiring the state and local government to plan for a possible regulation is a waste of resources. At the same time, the area's efforts to attract industry to provide more and better paying jobs to its residents will be hampered by EPA's decision to move forward with null and void standards.

Western parts of my district around Owensboro are facing a similar situation. Local officials are left in limbo, being told they will have to take steps to change ozone levels in their counties but also knowing that without the Supreme Court's approval, the regulations they are planning for will not take affect. This is not prudent policy making.

Officials in Kentucky stated in media reports that the technology is not available to determine the source of ozone, only its current location. The counties in my district that could become non-compliant will likely become so because of moving ozone. If the science is not available to know where the higher ozone comes from, how are these areas expected to eliminate it?

All of us support clean air. But air standards must have a scientific background, be set according to the law and be evaluated on their costs and benefits. Regulations for regulation's sake, such as these, produce no benefits. EPA's job is to enforce the law, not create it. EPA should enforce the provisions of the Clean Air Act, but it should do so in accordance with the law and scientific standards. EPA has not presented sufficient reasons for regulations beyond the 1990 standards.

Until the Supreme Court has issued its judgement on the validity of the EPA's 1997 air quality regulation, we need to support this amendment and keep state and local communities from bearing the costs of this invalid regulation. Until a regulation that can legally be enforced is in effect, this designation process must be postponed. This is a simple, common sense request.

I urge support for this amendment.

Mr. BARR of Georgia. Mr. Chairman, I would like to commend both Mr. COLLINS and Mr. LINDER for offering this extremely important amendment to stop EPA from implementing the National Ambient Air Quality Standards (NAAQS) until resolution of the matter by the Supreme Court.

The suburbs of Atlanta have, since 1997, been grappling with the problems created by Atlanta's non-attainment of Clean Air Act standards. The EPA has attempted to include these outlying areas in their enforcement of these non-attainment standards, wreaking havoc on the citizens, governments, and industries located in these areas. Last year, a federal appeals court has ruled EPA acted unconstitutionally in proposing the new NAAQS in 1997, because Congress had not empowered EPA to act unilaterally on the matter. The Supreme Court has agreed to hear the case, but it may not issue a decision until early 2001.

The resulting situation is one of increasing uncertainty. First, communities already out of attainment are left shooting at a moving target, because they have no idea whether the changes they are making today will conform with the standards of tomorrow. Secondly, EPA may end up including additional regions of the state in the non-attainment area, in an effort to force them to change zoning and development practices before the Court issues a ruling. Obviously, either situation is extremely unfair, especially since EPA lost the first round of litigation in court.

The Linder-Collins amendment simply states that EPA cannot enforce the new standards until the Court determines whether the federal agency acted constitutionally. By passing this amendment, we can ensure that reasonable, common sense development practices are not supplanted by a last-ditch effort by EPA to enforce its unconstitutional mandates in the face of judicial and congressional opposition. The bottom line is that EPA's games will cost taxpayers dollars, make local planning impossible, create gridlock and increases pollution from idling cars. Let's put a stop to this, and see what the Supreme Court has to say on the issue.

I urge you to support passage of this amendment, to bring fairness and accountability to the process whereby EPA sets mandated clear air standards. Citizens cannot be allowed to flout the law and judicial process, and neither should a federal regulatory agency.

Vote yes for the Linder-Collins amendment to VA–HUD Appropriations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. COLLINS).

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

Mr. COLLINS. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. PASCRELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PASCRELL:

At the end of the bill (page 90, after line 16) insert the following new section:

''SEC. . The second dollar amount otherwise provided in title I under the heading ''DEPARTMENTAL ADMINISTRATION—GENERAL OPERATING EXPENSES'', is hereby reduced by $100,000 and increased by $100,000.''.

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

The Chair recognizes the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I yield myself such time as I may consume. With this amendment I seek to correct the great neglect, Mr. Chairman, with which the Veterans Administration treats many of our Nation's veterans. The neglect to which I refer is the VA's lack of effort in reaching out to our veterans and informing them what benefits they are entitled to. Too often our Nation's heroes are not adequately informed as to what benefits they are entitled to receive or how to obtain those benefits, and their families are not as well. In fact, a survey conducted by the VA indicated that less than half the veterans contacted were aware of certain benefits they were entitled to receive, including pension benefits for disabled and low-income veterans.

My amendment is simple. It mandates that whatever amount has been previously earmarked for outreach to veterans must be increased by $100,000 from the general operating fund. This extra funding is desperately needed. It is time for the VA to take seriously its responsibility for informing the veterans community about available benefits.

To further achieve this goal, I have introduced legislation, the Veterans Right to Know Act. My bill mandates that the Veterans Administration inform widows and survivors of vets about what benefits and services are available to them. It further requires that the VA develop an annual outreach plan designed to help identify veterans who are not registered and devise ways to inform vets of changes to their benefits.

Most importantly, my bill requires that the VA consult with veterans' organizations in developing the plan. That way we know it will work. I am a veteran. I am fully aware of the challenges that we face, the hardships that many of us have endured, and the pride we take in having served our country. Members of the Armed Forces have put themselves at great risk to protect America. In return, the Federal Government has made a commitment to both active duty and retired military personnel to provide certain benefits. Veterans throughout this country deserve these benefits. They have earned these benefits through their patriotism and their courage and their values. It is an absolute outrage that the Government they fought for is not doing a good enough job informing them of what they are entitled to receive. It is our responsibility to inform our veterans as to what benefits they are entitled to receive. Abraham Lincoln spoke of this responsibility in his second inaugural address, saying we must ''care for him who shall have borne the battle, and for his widow and his orphan.''

Throughout our Nation's history, millions of men and women have served in our Armed Forces, during times of peace and in times of war. They have defended the very freedoms our country was founded upon. My legislation honors that commitment. I am going to fight to make it the law of the land.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. WALSH. Mr. Chairman, I move to strike the last world. I thank the gentleman for his hard work in this area. We share his concerns regarding veterans and their ability to know all their benefits and that their dependents are entitled to that. This legislation is before the authorizing committee. We would urge them to consider it in a timely manner. I thank the gentleman for withdrawing the amendment.

AMENDMENT NO. 24 OFFERED BY MR. HOSTETTLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to administer the Communities for Safer Guns Coalition.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Indiana (Mr. HOSTETTLER) and the gentlewoman from New York (Mrs. MCCARTHY) each will control 15 minutes.

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

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume. Today, I offer an amendment that would prohibit the Department of Housing and Urban Development from spending any Federal funds on the Communities for Safer Guns Coalition. This unauthorized program implemented by HUD could have adverse consequences on State and local law enforcement. According to HUD's press releases, coalition members sign a pledge and agree to show buying preferences to gun manufacturers who agree to impose gun control on themselves, their dealers and their customers. In other words, HUD and the communities signing these pledges are willing to sacrifice the requirements of law enforcement in order to coerce manufacturers into gun control agreements that they in turn impose upon their dealers and their customers. But you need not take my word for it. Two major law enforcement groups oppose these preferences.

Let me share with Members a few of their comments. The Law Enforcement Alliance of America, or LEAA, states this in their opposition to these preferences and I quote:

''LEAA disapproves of any attempt by the Clinton administration to strip law enforcement agencies of their right to choose the firearms for their officers. Each individual law enforcement agency is wholly qualified to decide the firearm manufacturers and models that they deem best suited for the needs of their officers. In fact, the individual law enforcement agencies are the most qualified to understand their particular needs. They do not need the Federal Government's partisan politics manipulating this or any other officer safety decisions made at the local level.''

The Fraternal Order of Police states: ''The top concern of any law enforcement agency purchasing firearms is officer safety, not adherence to a particular political philosophy. Law enforcement agencies have to stretch every dollar and they need to get the best weapons for their officers that their budget allows. Reducing their choices by imposing a requirement that they buy only from gunmakers who agree to certain HUD stipulations does not help the law enforcement mission.''

We cannot allow those who lay their lives on the line each and every day to go into the field with equipment ill-suited for their mission. We owe it to them to ensure that they have the best equipment they can afford without regard to HUD's end run around this legislature to legislate by litigation and coercion.

I urge all Members to support my amendment and show their support for law enforcement. Do not allow HUD to overrule officer safety for the purpose of a political agenda. Support the ability of law enforcement to choose the best equipment for themselves. Vote yes on my amendment.

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

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. The Hostettler amendment will prevent the Department of Housing and Urban Development from working with the Community for Safer Guns Coalition. The coalition consists of more than 411 State and local governments

around the Nation that have signed on to reduce gun violence in their communities. Those governments came together following Smith & Wesson's agreement with HUD in which the manufacturer agreed to make safer guns and to prevent guns from being sold to criminals. Some communities in the coalition include Syracuse, New York; Bloomington, Indiana; Davenport, Iowa; Los Angeles; Oakland; Wilmington; Peoria; Bowling Green; Anderson, South Carolina; Brink, New Jersey, and many others.

Mr. Chairman, I include the complete list for the RECORD:

COMMUNITIES FOR SAFER GUNS COALITION

ALABAMA

Mitchell, Quitman, Mayor, Bessemer.
Price, Julian, Mayor, Decatur.
Snow, Willie, Mayor, Hobson City.
Phillips, Leon, Mayor, Lake View.
Daniel, Edward, Mayor, Marion.
Dow, Michael, Mayor, Mobile.
May, James, Mayor, Uniontown.

ARKANSAS

Hays, Patrick, Mayor, North Little Rock.

ARIZONA

Grijalva, Raul, Board of Supervisors Chair, Prima County.
Wilcox, Mary Rose, Board of Supervisors, Maricopa County.

CALIFORNIA

Chan, Wilma, President of the Board of Supervisors, Alameda County.
Rocha, Mary, Mayor, Antioch.
Shoup, Mark, Mayor, Apple Valley.
Cruz-Madrid, Christina, Mayor, Azuza.
Dean, Shirley, Mayor, Berkeley.
Clegg, Legrand, City Attorney, Compton.
Wilson, Sharifa, Mayor, East Palo Alto.
Morrisson, Gus, Mayor, Fremont.
Cooper, Roberta, Mayor, Hayward.
Van Arsdale, Lori, Mayor, Hemet.
Dorn, Roosevelt, Mayor, Inglewood.
Hahn, James, City Attorney, Los Angeles.
Brown, Jerry, Mayor, Oakland.
Bogaard, Bill, Mayor, Pasadena.
Gardner, Garth, Mayor, Pico Rivera.
Corbin, Rosemary, Mayor, Richmond.
Yee, Jimmie, Mayor, Sacramento.
Renne, Louise, City Attorney, San Francisco.
Miller, Harriet, Mayor, Santa Barbara.
Valles, Judith, Mayor, San Bernadino.
Carlson, Brenda, County Supervisor, San Mateo County.
Trindle, Greg, LT, San Mateo County Police Chief.
Andre, Curt, Mayor, Turlock.
Nolan, Robert, Mayor, Upland.
Intintoli, A.J., Mayor, Vallejo.

COLORADO

Richards, Rachel, Mayor, Aspen.
Markalunas, James, Councilman, Aspen Council.
Toor, Will, Mayor, Boulder.
Parsons, Donald, Mayor, Northglenn.

CONNECTICUT

Ganim, Joseph, Mayor, Bridgeport.
Eriquez, Gene, Mayor, Danbury.
Larson, Timothy, Mayor, East Hartford.
Amento, Carl, Mayor, Hamden.
Peters, Michael, Mayor, Hartford.
Marinan, Joseph, Mayor, Meriden.
Destefano, John, Mayor, New Haven.
Malloy, Dannel, Mayor, Stamford.
Blumenthal, Richard, Mr., State of Connecticut.
Borer, Jr., Richard, Mayor, West Haven.

DELAWARE

Sills, James, Mayor, Wilmington.

DISTRICT OF COLUMBIA

Williams, Anthony, Mayor, Washington, DC.

FLORIDA

Aungst, Brian, Mayor, Clearwater.
Hanson, Carol, Mayor, Boca Raton.
Jackson, Robert, Mayor, Largo.
Brown, Samuel, Mayor, Lauderdale Lakes.
Schwartz, Arlene, Mayor, Margate.
Wolland, Frank, Mayor, North Miami.
Foster, E., Mayor, Ocala.
Miller, Alvin, Mayor, Opa-Lacka.
Hickson, Linda, Deputy Clerk, Palm Beach County.
Armstrong, Rae, Mayor, Plantation.
Reeder, Dottie, Mayor, Seminole.
Anthony, Clarence, Mayor, South Bay.
Fischer, David, Mayor, St. Petersburg.
Feren, Steven, Mayor, Sunrise.
Schreiber, Joe, Mayor, Taramac.
Daves, Joel, Mayor, West Palm Beach.
Penelas, Alexander, Mayor, Miami-Dade County.

GEORGIA

Campbell, William, Mayor, Atlanta.
Albritten, Robert, Mayor, Dawson.
Hillard, Patsy, Mayor, East Point.
Hightower, Michael, County Commissioner, Fulton County.
Gresham, Emma, Mayor Keysville.
Ellis, Jack, Mayor, Macon.
Adams, Floyd, Mayor, Savannah.
Burris, Chuck, Mayor, Stone Mountain.
Davis, Willie, Mayor, Vienna.
Johnson, BA, Mayor, Wadley.
Carter, James, Mayor, Woodland.

HAWAII

Cayetano, Benjamin, Governor, Hawaii.
Harris, Jeremy, Mayor, City and County of Honolulu.

IOWA

Crews, Jon, Mayor, Cedar Falls.
Clancy, Lee, Mayor, Cedar Rapids.
Yerington, Phil, Mayor, Davenport.
Rooff, John, Mayor, Waterloo.
Koehrsen, Bernal, Chief, Waterloo Police Department.

ILLINOIS

Williams, Carolyn, Mayor, Alorton.
Mulder, Arlene, Mayor, Arlington Heights, Village of.
Powell, Debra, Mayor, East St. Louis.
Bennett, Sillierine, Mayor, Ford Heights.
Jackson, Linda, Mayor, Glendale Heights.
Kolb, Ernest, Mayor, Oak Lawn.
Grieves, Lowell, Mayor, Peoria.
Box, Charles, Mayor, Rockford.
Schwiebert, Mark, Mayor, Rock Island.
Wade, Jr., Casey, Mayor, Sun River Terrace.

INDIANA

Selman, Edwin, Mayor, Angola.
Ullrich, Richard, Mayor, Aurora.
Abplanalp, Bill, Mayor, Batesville.
Fernandex, John, Mayor, Bloomington.
Glassley, Ron, Mayor, Columbia City.
Johnson, Thomas, Mayor, Dunkirk.
Pastrick, Robert, Mayor, East Chicago.
King, Scott, Mayor, Gary.
Dedelow, Duane, Mayor, Hammond.
Buzinec, Linda, Mayor, Hobart.
McGahen, Larry, Mayor, Kendallville.
Dembowski, Nancy, Mayor, Knox.
Heath, Dave, Mayor, Lafayette.
Sheriff, Lafayette.
Huntington, Albert, Mayor, Madison.
Brillson, Sheila, Mayor, Michigan City.
Beutter, Robert, Mayor, Mishawaka.
Canan, Dan, Mayor, Muncie.
Overton, Regina, Mayor, New Albany.
Redick, Dennis, Mayor, Noblesville.
Blair, Richard, Mayor, Peru.
Yeazel, James, Mayor, Plymouth.
Arihood, Herb, Mayor, Rensselaer.
Campbell, Douglas, Mayor, Salem.
Margerum, Sonya, Mayor, West Lafayette.
Bercik, Robert, Mayor, Whiting.

KANSAS

Wagnon, Joan, Mayor, Topeka.
Marinovich, Carol, Mayor, Wyandotte County/Kansas.

KENTUCKY

Renaud, Eldon, Mayor, Bowling Green.

LOUISIANA

Roberson, Joyce, Mayor, Campti.
Washington, Bobby, Mayor, Cullen.
Davis, Willie, Mayor, Farmerville
Coco, Jean, Mayor, Grand Coteau.
Geyen, Rodney, Mayor, Lake Charles.
Pierce, Abe, Mayor, Monroe.
Jupiter, Darnell, Mayor, Napoleonville.
Morial, Marc, Mayor, New Orleans.
Berry, Isam, Mayor, Rayville.

MASSACHUSETTS

Galluccio, Anthony, Mayor, Cambridge.
Menino, Thomas, Mayor, Boston.
Yunits, John, Mayor, Brockton.
Ragucci, David, Mayor, Everett.
Tobey, Bruce, Mayor, Gloucester.
Rurak, James, Mayor, Haverhill.
Sullivan, Michael, Mayor, Holyoke.
Dowling, Patricia, Mayor, Lawrence.
McManus, Patrick, Mayor, Lynn.
Howard, Richard, Mayor, Malden.
McGlynn, Michael, Mayor, Medford.
Kalisz, Frederick, Mayor, New Bedford.
Mead, Lisa, Mayor, Newburyport.
Barrett, John, Mayor, North Adams.
Higgins, Mary, Mayor, North Hampton.
Torigan, Peter, Mayor, Peabody.
Doyle, Jr., Gerald, Mayor, Pittsfield.
Sheets, James, Mayor, Quincy.
Ambrosino, Thomas, Mayor, Revere.
Usovicz, Stanley, Mayor, Salem.
Kelly Gay, Dorothy, Mayor, Somerville.
Albano, Michael, Mayor, Springfield.

MARYLAND

Carter, Cynthia, Councilwoman, Annapolis.
O'Malley, Martin, Mayor, Baltimore.
Dodson, Vivian, Mayor, Capitol Heights.
Simms, Jack, Mayor, District Heights.
Williams, Donjuan, Mayor, Glen Arden.
Beverly, Lillian, Mayor, North Brentwood.
Krasnow, Rose, Mayor, Rockville.
Kennedy, Eugene, Mayor, Seat Pleaseant.
Curran, Joseph, State Attorney, State of Maryland.

MAINE

Kane, Thomas, Mayor, Portland.

MICHIGAN

Guido, Michael, Mayor, Dearborn.
Canfield, Ruth, Mayor, Dearborn Heights.
Archer, Dennis, Mayor, Detroit.
Stanley, Woodrow, Mayor, Flint.
Hampton, Hilliard, Mayor, Inkster.
Kirksey, Jack, Mayor, Livonia.
Moore, Walter, Mayor, Pontiac.
Loster, Gary, Mayor, Saginaw.
Dumas, Curtis, Mayor, St. Clair Shores.
Notte, Richard, Mayor, Sterling Heights.
Pitoniak, Gregory, Mayor, Taylor.
Thomas, Robert, Mayor, Westland.

MINNESOTA

Kautz, Elizabeth, Mayor, Burnsville.
Belton, Sharon, Mayor, Minneapolis.
Anderson, Karen, Mayor, Minnetonka.
Canfield, Chuck, Mayor, Rochester.

MISSOURI

Duncan, Phil, Mayor, Belton.
Deinbo, Babatunde, Mayor, Berkeley.
Eagan, James, Mayor, Florissant.
Green, Alexander, Mayor, Hayti Heights.
Stewart, Rondell, Mayor, Independence.
Shields, Katheryn, County Executive, Jackson County.
Brooks, Alvin, Mayor Pro Tem, Kansas City.

Bush, Errol, Mayor, Northwoods.
Whitfield, Kennard, Mayor, Rock Hill.
Harmon, Clarence, Honorable, St. Louis.
Hensley, Robert, Mayor, Velda City.

MISSISSIPPI

Scott, Alice, Mayor, Canton.
King, Rober, Mayor, Fayette.
Smith, Eddie, Mayor, Holly Springs.
Johnson, Harvey, Honorable, Jackson.
Phillips, Joe, Mayor, Jonestown.
Norman, Nerissa, Mayor, Mound Bayou.
Arnold, Amelda, Mayor, Port Gibson.
Otis, Larry, Mayor, Tupelo.
Walker, Robert, Mayor, Vicksburg.
Leach, Wardell, Mayor, Yazoo.

NEBRASKA

Ryan, Jerry, Mayor, Bellevue.

NORTH CAROLINA

Wilson, Frank, Mayor, Bolton.
Liles, George, Mayor, Concord.
Tennyson, Nicholas, Mayor, Durham.
Holliday, Keith, Mayor, Greensboro.

NEW JERSEY

Tomasko, Paul, Mayor, Alpine.
Russell, Wilbert, City Manager, Asbury Park.
Whelan, James, Mayor, Atlantic City.
Lunn, Scott, Mayor, Barrington.
Doria, Joseph, Mayor, Bayonne.
Escott, William, Mayor, Bellville.
Lynch, Richard, Chief of Police, Belmar.
Lowden, Robert, Mayor, Beverly.
Bukowski, John, Mayor, Town of Bloomfield.
Thatcher, David, Mayor, Borough of Laurel Springs.
Sacco, Nicholas, Mayor, North Bergen.
Scarpelli, Joseph, Mayor, Township of Brick.
Pirroli, Michael, Mayor, Bridgetown.
Sandve, Edward, Borough Administrator, Caldwell.
Milan, Milton, Honorable, Camden.
Kurzenknabe, George, Chief of Police, Chatham.
Poindexter, Arland, Mayor, Chesilhurst.
Ellenport, Robert, Mayor, Clark.
Morin, III, Philip, Mayor, Cranford.
Fisher, Douglas, Chair, Cumberland County.
Musso, Carol, Mayor, Deerfield.
Vittorino, Victor, Mayor, Delanco.
Colasurdo, Lawrence, Mayor, East Hanover.
Bowser, Robert, Mayor, East Orange.
Bollwage, J., Mayor, Elizabeth.
Jung, Louis, Mayor, Fanwood.
Chizukula, Upendra, Mayor, Franklin Township.
Seaman, Annette, Mayor, Fredon Township.
De Rienzo, John, Mayor, Haworth.
Russo, Anthony, Mayor, Hoboken.
Bost, Sara, Mayor, Irvington.
Delucca, Jr., Frank, Mayor, Lindenwold.
Schneider, Adam, Mayor, Long Branch.
Corradino, Angelo, Mayor, Manville.
Dobies, Ronald, Mayor, Middlesex.
Thompson, Lewis, City Clerk, Administrator, Millville.
James, Sharpe, Mayor, Newark.
Cahill, James, Mayor, New Brunswick.
Morgan, Allen, Mayor, New Providence.
George, Randy, Mayor, North Haledon.
Weldon, Terrance, Mayor, Ocean.
Letts, Mimi, Mayor, Parsippany.
Barnes, Martin, Mayor, Paterson.
Wyant, Jr., Harry, Mayor, Phillipsburg.
McWilliams, Albert, Mayor, Plainfield.
Kennedy, James, Mayor, Rahway.
Nolan, Brian, Mayor, Rocky Hill.
DeBell, Louis, Mayor, Roseland.
Gage, Earl, Mayor, Salem City.
Harelik, Clara, Mayor, Springfield.
Adams, Frank, Mayor, Spring Lake Heights.
Palmer, Douglas, Mayor, Trenton.
Garcia, Raul, Mayor, Union City.
Force, Maria, Mayor, Verona.
Riga, Raymond, Chief of Police, Wayne Township Police Department.
Wright, David, Mayor, Winfield.
McGrevey, James, Mayor, Woodbridge.
Higgins, Josephine, Mayor, Woodcliff Lake.

NEW MEXICO

Baca, Jim, Mayor, Albuquerque.
Smith, Ruben, Mayor, Las Cruces.
Hunting, Louis, Mayor, Los Lunas.
Delgado, Larry, Mayor, Sante Fe.

NEVADA

Mack, Michael, Mayor, Las Vegas.
Griffin, Jeff, Mayor, Reno.

NEW YORK

Charles, Michael, Mayor, Akron, Erie County.
Jennings, Gerald, Mayor, Albany.
Breslin, Mike, County Executive, Albany.
Duchessi, John, Mayor, Amsterdam.
DeAngelis, Christopher, Mayor, Auburn, Cayuga County.
Schaffer, Richard, Mr., Babylon Township.
Engelbracht, J.C., Town Attorney, Baldwinsville, Onondago County.
O'Hara, Dan, Mayor, Baldwinsville, Onondaga County.
Hollwedel, John, Town Supervisor, Town of Bethany.
Fiala, Anthony, Majority Leader, Binghamton.
Fiala, Barbara, County Clerk, Binghamton.
Harder, David, Sheriff, Binghamton, Broome County.
Pasquale, Vincent, Minority Leader, Binghamton, Broome County.
Whalen, Mark, Binghamton, Broome County
Frankel, Sandra, Ms., Brighton Township.
Engel, Eliot, Congressman, Bronx.
Espada, Pedro, NYC Council, Bronx.
Ortiz, Felix, State Assembly, Bronx.
Rivera, Jose, NYC Council, Bronx.
Brennan, James, State Assembly, Brooklyn, Kings County.
Cymbrowitz, Lena, Assembly Member, Brooklyn, Kings County.
Jacobs, Rhoda, State Assembly, Brooklyn, Kings County.
Perry, Nick, State Assembly, Brooklyn, Kings County.
Masiello, Anthony, Mayor, Buffalo.
Hoyt, Sam, State Assembly, Buffalo.
Eichenberger, Robert, Supervisor, Town of Byron.
Bilow, Donald, Supervisor, Chateaugay.
Battiato, Joseph, Mayor, Chester.
Kobre, Jerome, Mayor, Village of Chestnut Ridge.
Deno, George, Town Supervisor, Chozy.
Leak, Frank, Mayor, Village of Colonie.
Phillips, Harold, Supervisor, Town of Constable.
O'Shea, Donal, Supervisor, Town of Coventry.
Elliott, Robert, Mayor, Croton-on-Hudson.
Drew, K. John, Mayor, Darien.
Schneiderman, Jay, Supervisor, East Hampton, Suffolk County.
Hughes, Stephen, Mayor, Elmira.
Clark, Frank, District Attorney, Erie County.
Catalino, Robert, Supervisor, Town of Evans.
Glacken, William, Mayor, Village of Freeport Incorporated.
Kennison, Weston, Town Supervisor, Geneseo, Livingston County.
Feiner, Paul, Supervisor, Greenburgh, Westchester County.
McNulty, Jack, Mayor, Green Island, Albany County.
Suozzi, Thomas, Mayor, Glen Cove.
Garner, James, Mayor, Hempstead.
Donley, Frances, Supervisor, Town of Russia, Herkimer County.
Passarell, Lewis, Mayor, Holley, Orleans County.
Hogan, Shawn, Mayor, Hornell.
Cohen, Alan, Mayor, Ithaca.
Blumenthal, Susan, Alderperson, Ithaca.
Wade, George, Mayor, LaGrange.
Taylor, Ronald, Town Supervisor, Leray.
Mullen, Kevin, Mayor, Village of Liberty.
Crystal, Joel, City Council Vice President, Long Beach.
Salone, John, Mayor, Village of Lyons.
DiVeronica, Rocco, Mr., Madison County.
Gottfried, Richard, State Assembly. Manhattan.
Miller, A. Gifford, Council Mbr, Manhattan.
DeStefano, Joseph, Mayor, Middletown.
George, Thomas, Supervisor, Town of Monlius.
Christiano, Joseph, Mayor, Mount Morris.
Davis, Ernest, Mayor, Mount Vernon.
Altmann, Lisanne, Legislator, Nassau County.
Idoni, Timothy, Mayor, New Rochelle.
Spitzer, Israel, Deputy Mayor, New Square.
Carrion, Adolfo, Council Mbr, New York.
Michels, Stanley, City Council, New York City.
Stringer, Scott, Assembly Mbr, New York.
Vallone, Peter, City Council, New York.
Spitzer, Eliot, Mr., State of New York
Keller, John, Chief, Niagara Police Department.
Newburger, May, Supervisor, North Hempstead Township.
Kabasakalian, Mary, Mayor, North Tonawanda.
Leifeld, Berndt, Supervisor, Town of Olive.
Muller, Kim, Mayor, Oneonta, Otsego County.
Kleiner, Thom, Mr., Orangetown.
Cudney, Toni, Town Supervisor, Orchard Park, Erie County.
Cambariere, Thomas, Mayor, Ossining.
Eiser, Bonnie, Council Mbr, Town of Osyter Bay.
Venditto, John, Supervisor, Town of Osyter Bay.
Mayle, Judith, Town Supervisor, Plattekill.
Stewart, Daniel, Mayor, Plattsburgh.
Marshall, Herbert, Mayor, Village of Pomona.
Clark, Barbara, Assemblywoman, Queens, Queens County.
Cohen, Michael, State Assembly, Queens, Queens County.
Pheffer, Audrey, State Assembly, Queens, Queens County.
Scarborough, William, Assembly Member, Queens.
Reisman, Herbert, Town Supervisor, Ramapo/Rockland County.
Murray, Eugene, Mayor, Rockville Center.
Klotz, Kenneth, Mayor, Saratoga Springs.
Jurczynski, Albert, Mayor, Schenectady.
Cannuscio, Vincent, Supervisor, Southampton, Suffolk County.
Cochran, Jean, Supervisor, Town of Southold.
Armstrong, Thomas, Town Supervisor, Town of Springfield, Erie County.
Thompson, Alan, Mayor, Spring Valley, Rockland County.
Gentile, Vincent, Senator, Staten Island.
Bernardi, Roy, Mayor, Syracuse.
O'Connell, Katharine, Council at Large, Syracuse.
Pattison, Mark, Mayor, Troy.
Ludwick, Richard, Mayor, Village of Unionville.
Hanna, Edward, Mayor, Utica.
Spano, Andrew, County Executive, Westchester County.
Klein, John, Mayor, Wurtsboro.

Fuller, Richard, Supervisor, Town of Yorkshire.

OHIO

Plusquellic, Donald, Mayor, Akron.
Watkins, Richard, Mayor, Canton.
Onunwor, Emmanual, Mayor, East Cleveland.
Campbell, Jane, County Commissioner, Cuyahoga County.
Grace, W., Mayor, Elyria.
Oyaski, Paul, Mayor, Euclid.
Stare, Frank, Mayor, Newark.
Liebherr, Raymond, Chief of Police, Fairborn Police Department.
Mills, James, Mayor, Lebanon.
Salter, Shirley, Mayor, Lincoln Heights.
Boldt, Gerald, Mayor, Parma.
Rawson, Judith, Mayor, Shaker Heights.
Copeland, Warren, Mayor, Springfield.
Schaffer, Lee Ann, Mayor, Stow.
Finkbeiner, Carleton, Mayor, Toledo.
Fudge, Marcia, Mayor, Warrensville Heights.
Farley, Susan, Mayor, Woodlawn.
Rice, Robert, Mayor, Woodmere.

OKLAHOMA

Fox, Helen, Mayor, Grayson.
Murrell, Marilyn, Mayor, Arcadia.

OREGON

Torrey, Jim, Mayor, Eugene.
Stein, Beverly, Mayor, County of Multnomah.

PENNSYLVANIA

DiGirolamo, Joseph, Mayor, Bensalem.
Goldsmith, Thomas, Mayor, Easton.
Street, John, Mayor, Philadelphia.
Shadle, Forest, County Commissioner, Schuylkill County.
Young, Wilbert, Mayor, Wilkinsburg.
Robertson, Charles, Mayor, York.

PUERTO RICO

Marin, William, Mayor, Caguas.
Lopez Gerena, Julio, Mayor, Humacao.
Cordero Satiago, Rafael, Mayor, Ponce.

RHODE ISLAND

O'Leary, John, Mayor, Cranston.
Cianci, Vincent, Mayor, Providence.
Avedisian, Scott, Mayor, Warwick.

SOUTH CAROLINA

Anderson, Lovith, Mayor, Andrews.
Carter, John, Mayor, Gray Court.
Talley, James, Mayor, Spartanburg.

TENNESSEE

Fulmar, Ken, Mayor, Bartlett.
Dotson, J., Chief, Chattanooga Police Department.

TEXAS

White, John, Mayor, Ames.
Aranda, Jose, Mayor, Eagle Pass.
Saleh, Mary, Mayor, Euless.
Thurston, Cathy, Mayor, Everman.
Carreathers, Raymond, Mayor, Prairie View.
Beatty, Chuck, Mayor, Waxahachie.

UTAH

Anderson, Ross, Mayor, Salt Lake City.

VIRGINA

Ward, William, Mayor, Chesapeake.
Hedgepeth, Roger, Mayor, Blacksburg.
Archer, Ruby, Mayor, Danville.
Warren, Druie, Mayor, Lynchburg.
Frank, Joe, Mayor, Newport News.
Fraim, Paul, Mayor, Norfolk.
Holley, James, Mayor, Portsmouth.
Kaine, Timothy, Mayor, Richmond.
Oliver, Jerry, Mr., Richmond.
Bowers, David, Mayor, Roanoke.
Gaskins, A.L. (Joe), Mr., Roanoke.

VERMONT

Clavelle, Peter, Mayor, Burlington.

WASHINGTON

Asmundson, Mark, Mayor, Bellingham.
Sims, Ron, County Executive, King County.

WEST VIRGINIA

Colombo, Jimmy, Mayor, Parkersburg.

WISCONSIN

Bauman, Susan, Mayor, Madison.
Smith, James, Mayor, Racine.

Mrs. MCCARTHY of New York. Mr. Chairman, officials in the coalition sign a pledge saying they support giving a preference to making purchases from gun manufacturers that have adopted a set of new gun safety and dealer feasibility standards, 411 participants. Cities, counties, States and some police departments have joined the coalition voluntarily. What do they get from HUD in exchange for their membership? Absolutely nothing. Except they know that their police departments are buying from a company that is manufacturing safer guns. They know that this company has worked to prevent gun injuries and keeping gun criminals from getting guns. It simply says if firearms are the same in price and quality, then the locality would give a preference to the manufacturer that makes safer guns. This is a preference, not a straitjacket. It is up to the locality to determine how to implement it. This is really a matter of local control.

If Members believe their local officials in Nassau County, New York, or Knox, Indiana, should have the option to promote gun safety through participation in the coalition, which they have, then they will oppose the amendment. This amendment says that communities cannot come together to stop gun violence. I again say this amendment states the status quo is acceptable. The amendment says that it is permissible to ignore the gun violence that has affected our schools and made our communities into killing zones. The Congress should not micromanage how 411 communities around the Nation fight gun violence. The Congress should not be able to mandate how a locality does business.

1845

If a city wants to conduct its business in the society in a responsible way, that is the city's business, not the Congress'. We should do the right thing and vote no on the amendment.

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

Mr. HOSTETTLER. Mr. Chairman, I yield 4 minutes to my colleague, the gentleman from Maryland, (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I would first like to note that LEAA is in support of this amendment. They oppose any legislation which would limit the sources from which firearms could be procured.

If this is really gun safety, the police should be the first in the country to want this. I understand that a third of the policeman who are shot are shot with their own gun. When this technology is mature, the police will be the first to support it. The fact that they are not supporting this should send a message to us that we do not need to be supporting planning in this bill which the Secretary of Housing and Urban Development could use to require or influence the purchase of guns only from those companies that have been coerced into a settlement with the government to avoid a long and expensive lawsuit.

When this technology is mature, it will be there. And us passing silly legislation that this amendment would be is not going to hasten the orderly development of that technology. There is nobody that I know of who does not want safe guns, and the police should be the first who would want this, because it would assure their safety because a third of them when they are shot are shot with their own gun.

Furthermore, what this does is to clearly violate longstanding Federal procurement regulations, which require that what we are doing to purchase is going to be the best value for the dollar, not going to be something that supports a political agenda. What this amendment does is to make sure that the best firearms are going to be procured to meet the requirements of those who are procuring them without any political pressure, to give preference to a company that has been coerced by the Federal Government into agreeing to something to avoid a lawsuit which would cost them a lot of money.

This could just be the first step. What next? Will the FBI and other law enforcement agencies follow HUD if we permit this to go forward. I would hope not, because I am sure that what every one of these agencies wants, what every one of their members wants is the best firearm, the safest firearm to protect them.

We cannot just legislate safety. Safety has to come from development. And when that development is there, the first people who are going to support this are the law enforcement officials themselves. They are now opposing what is in this legislation. They are supporting this amendment. That should send a clear message to us that the right vote on this amendment is a yes vote.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Massachusetts (Mr. NEAL of Massachusetts).

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Chairman, quickly in reference to what the previous speaker, the gentleman from Maryland (Mr. BARTLETT), said before I enter into my formal remarks, the gentleman said we cannot legislate safety. We do with automobiles. We decide what kind of sheets and pillow cases infants sleep on.

We make sure that all sorts of precautions are taken every day for the youngest among us, to ensure their

safety. The argument we somehow cannot legislate safety.

Let us be clear about the purpose of this amendment that is offered by the gentleman from Indiana (Mr. HOSTETTLER). His objective is very simple and it is to put Smith & Wesson out of business.

I represent the city where Smith & Wesson is located. They essentially are being punished for doing the right thing. This is sound public policy, not policy that was put upon them. It was negotiated after months of intense conversations back and forth.

What Smith & Wesson said in this historic agreement is this, and I want everybody to listen to this, they want to change the way guns are designed, distributed and marketed.

They want to add locking devices and other safety features, and they wanted to develop landmark smart gun technology. We ask ourselves in this Chamber who could be against all of that? Then we look to the other side; and we see who could be against this sensible public policy position, for their courage, Smith & Wesson is now being penalized by the gun lobby, House Republicans who adamantly oppose common sense safety legislation, legislation that the vast majority of the American people overwhelmingly support. Every year, 30,000 Americans including almost 12 children a day are killed by gun violence.

Why do Members of this House fear the advancement of smart gun technology? Who could be opposed to the meaningful development of a firearm that can only be used by its rightful owner, and who would prevent children in the end from accidentally discharging these weapons? Why are the people on the other side of the aisle in this Chamber trying to thwart the unprecedented agreement between Smith & Wesson and the Clinton administration.

Many times I have found myself on the other side of an initiative that Smith & Wesson would not be comfortable with, but I want to tell my colleagues something, they are a great employer. And that term Smith & Wesson is synonymous over many, many years of American history with a quality product that they, indeed, want to make better to speak to the concerns of the American people.

It is no threat to the second amendment, which we frequently hear in this Chamber, and the Clinton administration has proceeded with wise and warranted public policy that speaks to the concerns of the American people in advancing what most people would believe to be a highly sensible initiative, smart gun technology, trigger locks.

But the idea that Smith & Wesson would enter into protracted negotiations with the administration, come up with a marvelous solution that we would think everybody in this Chamber could come to agreement upon, they find themselves isolated. They find themselves set upon by the gun lobby. They find themselves set upon by an element that wants no sort of gun legislation in this country.

In the end, all of us this evening have an opportunity to vote up or down on what is perhaps the most sensible initiative that has come forth over many years on the whole question of how to deal with guns in this society, and we will have a chance to be recorded later on, and that is the vote that people ought to remember in November.

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

Mr. Chairman, I would like to address some comments that have been made by the other side in this argument, and that is that Congress should not micromanage local law enforcement. I would agree with that 100 percent, but neither should HUD, and that is exactly what is happening in this process; that is why this Congress is defunding the micromanagement of local law enforcement by HUD through this amendment.

Secondly, the argument is made that Congress should not tie the hands of local government, and that is not what this amendment does either. This amendment merely states that Federal taxpayers will not give money to HUD to micromanage local law enforcement. We are not saying, for example, that if local government wishes to deprive their law enforcement personnel of the best equipment and, therefore, compromise the safety of their law enforcement officers and the public safety, they are more than welcome to do so, I just do not believe and I think a majority of this House does not believe that the Congress should be a party to that.

Thirdly, the gentleman from Massachusetts (Mr. NEAL) just spoke just said that as a result of this amendment, we are going to run Smith & Wesson out of business. It could not be further from the truth. In fact, Smith & Wesson will still be able to continue to compete and potentially win contracts.

We simply do not believe there should be a preference in those contracts; and if Smith & Wesson does indeed have the best product at the best price, they will win these competitions and win these contracts.

I would say to the gentleman with regard to that issue, if Smith & Wesson is the only company that enters into this type of agreement, which they are at this point, and they are the preferred contractor, what incentive will be there for Smith & Wesson to create a better quality product if there is no competition to obtain a higher quality product? Smith & Wesson could quite simply produce a much lower quality product as a result of a political agenda that is being forwarded and not the consideration of law enforcement safety and public safety. Smith & Wesson will get the agreement with the lower quality product.

Mr. Chairman, I think that this is a very common sensical amendment. I think the Law Enforcement Alliance of America believes the same thing. The Fraternal Order of Police believes this is common sensical, and I would ask the majority of the House to support my amendment.

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

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I am here to express my opposition to the Hostettler amendment. To me, this is the most mean-spirited amendment I have ever seen on this floor. It cuts to the chase. It prohibits the Office of Housing and Urban Development from using funds to administer HUD's Community for Safer Guns Coalition. What does the gentleman from Indiana (Mr. HOSTETTLER) have against the Communities for Safer Guns Coalition? I cannot figure it out.

First the gentleman was against every legislative mandate. The gentleman is against it. Now, we do not have a mandate, what we are saying is we have an agreement between the administration and a company. We did not pass any legislation for the Clinton administration to come to that agreement. This is something the gentleman should support. The gentleman is proactive about it.

The Communities for Safer Guns Coalition keeps guns out of the hands of criminals and children. I know the gentleman supports that. How can the gentleman support this amendment? It closes the gun show loophole. I do not know if the gentleman supports that. It cuts down on straw purchasing. The gentleman supports that, do you not? It mandates full background checks for all purchases.

I think these are important steps towards making our streets safer. Does it take one gun away from anybody? One of the program's strengths is that it starts in the community and stays in the community. This is a movement of local and State leaders who have pledged to support giving a preference in firearm purchases to companies who follow a code of responsible conduct.

These advances that you have heard on the floor just a few moments ago all help law enforcement by making guns less attractive to criminals and making it harder for bad apple dealers to supply criminals. After all the ATF reports that just 1.2 percent of dealers account for 57 percent of gun crime traces to active dealers.

There is 411 communities at this point, at this very moment that have signed on. A vote to stop the coalition is a vote to support less responsible gun makers and less responsible dealers.

Mr. Chairman, I urge everyone of us to vote against this ill-conceived amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Chairman, I would respectfully disagree with my colleague from New Jersey (Mr. PASCRELL). I guess the gentleman can see the equation from either side. I guess the way that I would see it, and some on this side of the aisle would see it, would be that by prohibiting local law enforcement agencies from choosing I guess the equipment or the gun manufacture of their choice, it seems to me to be more coercive and it seems to be a case rather than a local choice being made, it is actually a case of being directed from above.

Two, I would say to me this is about the whole fundamental breakdown of government that our Founding Fathers intended with the legislative branch being responsible for one area of government, the executive branch being responsible for another, and the judicial final for another.

What we have here with this agreement is the executive branch going into the business of creation of laws or lawmaking, because there are two new Federal programs, the Communities for Safer Guns Coalition and the Oversight Commission, both of which would be created by executive branch activity without the authorization of Congress, without the Hostettler amendment.

I simply rise in support of his amendment. Finally, I would make the point in that they are legitimately different perspectives on this thing, and I come from down South and I guess we have a different take on the whole gun equation down there, but for me, I do not like the idea of smart technology because the idea of an intruder breaking into our house and my fingerprint being the only one that could stop that intruder with a given handgun, to me is not a good idea.

I would like the idea of me being able to hand the gun to my daughter or to my young son or to the neighbor who is visiting to help in stopping that intruder. I think there is a legitimate difference of opinion on this.

Mr. Chairman, I rise in support of the Hostettler amendment.

1900

Mr. NADLER. Mr. Chairman, I ask unanimous consent that the gentleman be granted one additional minute.

Mr. WALSH. We have a very strict time agreement. I have to object.

The CHAIRMAN. Objection is heard.

Mrs. McCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to this amendment because this amendment runs counter to what the American people have repeatedly asked Congress to do, make our children and our communities safer.

This amendment just does not make any sense. The Smith & Wesson agreement includes common sense measures, like internal safety locks, development of smart gun technology to ensure that only a gun owner can discharge the firearm, child safety trigger locks, and other provisions aimed at reducing the number of accidental shootings and deaths due to gun violence. Smith & Wesson has also pledged to cooperate with Federal, State and local law enforcement to ensure that its products are used safely and legally.

Agreements such as these should be encouraged, not penalized. This irresponsible amendment, in my judgment, sends the wrong message to manufacturers trying to demonstrate their own accountability for the safety of those who use their products.

Codes of conduct by firearm manufacturers will make our communities and streets safer. They will strengthen law enforcement's efforts to enforce our Nation's firearms laws by ensuring that background checks are performed and improving ballistics technology; and they will protect our children from the tragic accidental shootings that end far too many innocent lives.

Congress should heed the call of the American people, who have told us loud and clear that they support common sense initiatives to make firearms safer and to keep them out of the hands of children. I urge my colleagues, listen to your neighbors, listen to our friends. Let us defeat this amendment.

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

Mr. Chairman, I would simply say that the naming of this coalition, The Communities for Safer Guns Coalition, is simply a name given to it by an entity which seeks to forward a political agenda. If the truth be told, according to our correspondence from the Law Enforcement Alliance of America and the Fraternal Order of Police, that have written the Congress, a more appropriate name would probably be something like this, and I apologize for its length. It would probably be The Communities for Compromising Law Enforcement Personnel and Public Safety in Order to Forward a Political Agenda Coalition. That is what the true name of the coalition should be.

We should not forward that political agenda and we should not run around with the intent of Congress by doing so. I would have to say I will be offering an amendment subsequent to this discussion, Amendment No. 25, that will actually talk about the Smith & Wesson agreement itself. We have heard a lot of discussion about the Smith & Wesson agreement, but this amendment is actually to stop HUD from creating this environment of preferences for purchase of firearms for local law enforcement.

The gentleman talked about various issues that we should all commonly be opposed to, and he made some points; but some of the points that he made were a little bit outdated in that the gentleman from New Jersey said we should all be opposed to straw purchases. Straw purchases are actually in opposition to Federal law today; and, in fact, we know a young lady in connection to the Columbine tragedy actually made a straw purchase and broke the law as it stands today.

So this agreement is not going to stop criminals that will break the law anyway. That is why we call them criminals. It will simply create an environment whereby local law enforcement agencies will feel compelled to purchase equipment that may or may not be in their best interests; and as a result of that, they may compromise not only the safety of their personnel, which is heinous enough, but it would also compromise the safety of the public at large.

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

Mrs. McCARTHY of New York. Mr. Chairman, one thing I will say, this is all voluntary. The coalition has come forward freely on this; and this, in my opinion, will help and save police officers.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I am not surprised that the gentleman from Indiana (Mr. HOSTETTLER) is offering amendments to weaken HUD's ability to fight crime in our neighborhoods. The Republican leadership in the House has done everything in its power to promote the NRA agenda. They have killed the common sense gun safety measures that the American people have demanded for over a year. They have blocked trigger locks and failed to close the gun show loophole. They have blatantly ignored the request of the Million Mom March for licensing and registration of all handguns.

Now the Republicans are trying to prevent gun makers from making safer products. The gentleman from Indiana (Mr. HOSTETTLER) wants to prevent Smith & Wesson from developing safer guns with internal trigger locks and safe gun technology. I guess the purpose must be the guns should be as unsafe and dangerous as possible. It is truly unbelievable.

Over 400 communities are participating in HUD's Communities for Safer Guns Coalition, working to make our streets a little safer. Because of their actions at local levels, Smith & Wesson agreed to require their dealers to close the gun show loophole, require background checks for all sales, limit the delivery of multiple purchases, limit children's access to weapons, and a few other things to keep guns out of the hand of criminals and children.

We should be doing everything we can to support these communities in the struggle to limit gun violence. The Hostettler amendment is actually worse than anything else the Republican leadership has proposed this year in this respect. In the past, we were fighting for additional protections to

save our people from gun violence. Today, we are fighting to preserve what little protections we have managed to achieve already.

This is a dangerous proposal, and I fear the American people will pay for it dearly in communities across the Nation. Secretary Cuomo and HUD should be commended, and this amendment should be defeated.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Massachusetts (Mr. FRANK).

The CHAIRMAN. The gentleman is recognized for 2 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the leadership once again of the gentlewoman from New York.

I was surprised by this. We have debated gun regulation, and the arguments have always been we should not interfere with the right of an individual to own a gun. This has got nothing to do with that. What we now see is that what we have got is an animus against trying to improve gun technology.

This does not interfere with anybody's right to own a gun. This is not an amendment; it is a dangling participle. It rewrites the second amendment. The second amendment will now say, ''A well-regulated militia being necessary for the security of the people, let's not have any smart guns in local police forces.''

This is total disconnect between all of the previous arguments about gun regulation. Individuals will be totally free to buy guns. What this says is HUD will not coerce, but will work with and cooperate with local police departments and local governments that want to purchase safer guns.

It is not an accident that two of the previous speakers against this amendment were former mayors of tough urban areas, who understand the importance of law enforcement. This is a cooperative effort, and as my colleague, the gentleman from Massachusetts, said, there is an animus against Smith & Wesson.

The gentleman from Indiana said, ''Well, you won't have competition if this happens, because if Smith & Wesson gets a preference for selling smart gun technology, where will the incentive be to improve it?''

I will tell you where it will be, from all of the other manufacturers. That is precisely what we want. We want to encourage a competition for the best smart gun technology. One way you do that, one way to increase that supply, is to increase the demand.

So what this is is a cooperative effort, led by HUD but fully voluntary on the part of the cities, to increase the demand for smart gun technology, knowing that that will lead to an increase in the supply. I understand people's objections when individuals are concerned, although I do not agree; but this can only be an objection to the principles of safer guns.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. NADLER:

At the end of title IV (relating to General Provisions), add the following new section:

SEC. 426. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT'', and increasing the amount made available for ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND (HCF)'' for use only for incremental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), by $344,000,000.

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

The Chair recognizes the gentleman from New York (Mr. NADLER).

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

Mr. Chairman, the gentlewoman from Colorado (Ms. DEGETTE) and I are offering this amendment to increase funding to provide for 60,000 new section 8 vouchers to help low-income families afford safe, decent housing. The bill before us provides for zero new section 8 vouchers.

The need for housing assistance remains staggering. The Nation's robust economic growth has sent housing prices soaring. Today, a record 5.4 million low-income families pay more than 50 percent of their income for rent, or live in severely substandard housing. Not one of these 5.4 million families receives any Federal housing assistance. Their needs are desperate, and we must not ignore the severity of these needs any longer.

I challenge anyone to argue that tenant-based section 8 vouchers do not achieve their goals. The approximately 3 million families, that is almost 7 million Americans, receive section 8 vouchers. For these families, section 8 is more than a contract or a subsidy, it is often the foundation upon which they can build lifelong economic self-sufficiency. Section 8 allows families to enter the private housing market and choose where they want to live, helping them to escape from the cycle of poverty and creating better income mixes throughout our communities. As was said yesterday, section 8 is a free-market approach pioneered by the radical Nixon administration.

The bill in its current form does a terrible disservice to those most in need. The administration's request for 120,000 new section 8 vouchers has been ignored, and there is not one dollar in this bill for new vouchers to address the worst case housing needs of our most vulnerable citizens. The bill merely holds out the possibility of 20,000 vouchers, unlikely to be funded since they are contingent on overly optimistic levels of section 8 recaptures.

Rather than building on the successful provision of 50,000 or 60,000 incremental vouchers the past 2 years, this bill would contribute to the growing backlog of families who cannot afford decent, safe and sanitary housing, by going from 60,000 new housing vouchers last year to zero this year, this at a time of incredible prosperity and huge budget surpluses.

Let me mention one other point. Some may ask why we ought to provide new housing for vouchers when existing funding is not spent quickly. Why is desperately needed money not spent right away? The answer is that the housing crisis is so severe right now that many families are having real difficulty using vouchers because they cannot find any apartments to rent that are affordable, that are within the limits of the voucher.

The Federal Government should be doing more to build affordable housing, but this bill actually reduces Federal assistance for production of new low-income housing. But that is beyond the scope of this amendment.

Our amendment will allow 60,000 more families to live in safe, affordable, decent housing. It is not asking for much. We only ask that we meet about 1 percent of the need for affordable housing in our Nation.

The money is there. In fact 100,000 new section 8 vouchers have been authorized for this coming fiscal year. The bill as currently written reneges on the national commitment to create decent, affordable housing, and fails to fulfill the promise Congress made to poor families in the Housing Act of 1998, which authorized 100,000 new section 8 vouchers for next year.

Mr. Chairman, we must house our people. We ought to fulfill that promise and adopt this amendment.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) claim the time in opposition?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

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

Mr. Chairman, I rise in strong opposition to the gentleman's amendment, which is a proposed reduction of $344

million, or a 20 percent cut, from the International Space Station budget. That is an astounding cut and would cripple the program.

There are currently two elements of the Space Station in orbit. Most of the remaining elements have been constructed and are in Florida waiting for final testing. In the next few weeks, Russia is going to be launching the third element of the Space Station, which will enable the United States to move forward with launch and assembly of the station.

The reduction proposed by the amendment would severely disrupt the revised assembly schedule and cause significant cost increases to the program. Specifically, the cuts proposed by the amendment would result in the following programmatic change: cancellation of the U.S. Propulsion Module program, cancellation of the Crew Return Vehicle Development program, and cancellation of logistics flight hardware support.

1915

On the transfer to section 8, first of all, I am delighted to know that the gentleman from New York (Mr. NADLER) is a fan of Richard Nixon. I was not aware of that, and I am proud of his acknowledgment of that fact. Very few people are willing to acknowledge that today.

Secondly, can we imagine if a Republican President had a housing administration that, in effect, denied 237,000 Americans access to housing vouchers. Can we imagine the outcry from the other side if a Republican President had this terrible record of not providing 237,000 American citizens housing, funds appropriated by the Congress. It would be unbelievable.

The fact of the matter is, we have provided and fully funded the section 8 voucher program. If we put more money into that program with this attack on the Space Station, it will not be spent. Over $1 billion last year was provided to HUD for section 8 vouchers; they did not spend it. The Administration came back, recaptured those funds and then spent it somewhere else. We cannot continue to allow HUD to be the bank for the Administration's priorities, especially at this late point in the process. We cannot steal money from NASA, providing it to HUD, and allow it to go unspent and then God knows where it goes in a reprogramming.

So this is not a wise amendment. We have strongly supported section 8 vouchers. It is a Republican idea. We are proud of that fact. But let us make it work better, I say to my colleagues on the other side. Let us make this program work better to benefit all of those Americans out there who need and deserve good housing.

So, Mr. Chairman, I strongly urge a no vote on this amendment.

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

Mr. NADLER. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Colorado (Ms. DEGETTE), the cosponsor of this amendment.

Ms. DEGETTE. Mr. Chairman, it is a privilege to offer this amendment with the gentleman from New York (Mr. NADLER), my esteemed colleague, who has worked for many years on affordable housing issues.

Mr. Chairman, one of the greatest mistakes we can make during a time of great prosperity is to turn our backs on those who have been left out of the economic mainstream. This country is experiencing an economic boom, the likes of which we have not seen in a generation. But it would be a grave mistake to forget that many people have not been included in this financial good fortune. It is times like this when it is more important than ever to help with issues like this.

The last time the VA–HUD bill was being debated on the floor, I spoke about the affordable housing emergency we were facing. Well, Mr. Chairman, it is a year later, and the predicament in this country has increased. One of the lifelines that low-income families count on is the section 8 voucher program, and the bill before us today does not allot one more dollar for new vouchers. This is not acceptable for the harsh reality we are facing today.

During this debate, we will undoubtedly hear the argument, in fact, we just did, that we do not need to fund additional section 8 vouchers. We will hear that renewing expiring vouchers is enough. We might hear, and, in fact, we did, that some fiscal year 2000 vouchers might be recaptured; and we will hear that this is enough.

The truth is, though, and I would ask my colleagues to consider this, there are over 12 million Americans, men, women and children, who are considered to have worst-case housing needs. The average waiting period for either a section 8 housing voucher or a space in a public housing unit is over 2 years. We have all the proof that we need that additional vouchers are desperately needed.

While it is true that there are some cases where there are recaptured vouchers, that is not because there is not a need; it is because there are technical problems that are now going to be fixed, we hope, within rulemaking in HUD. But the truth is, these families who are waiting over 2 years need section 8 housing vouchers.

Let me talk about my district, the First Congressional District of Colorado, where rents have soared in the past 10 years as a result of a red hot economy. Between 1995 and 1999, rents in the Denver area rose more than 20 percent, growth matched only by that in the San Francisco Bay area. There is great irony that the areas that are experiencing the most economic growth are also the ones where working families are priced right out of the housing market.

Affordable housing is not a problem that exists in a vacuum, and it will negatively affect our economy if we do not ensure that all Americans have effective housing. We need more section 8 vouchers, not less.

Now, we have heard how much we need the Space Station; and I always vote and, in fact, just voted a little while earlier this evening, to support the Space Station, unlike many of my colleagues on this side of the aisle.

However, if we have to make the choice between our citizens, our lower-income citizens living in housing and having section 8 vouchers and taking a little money away from the Space Station, the choice is clear to me.

The international Space Station is $2.1 billion, and this offset is $344 million. We do not kill the Space Station with this amendment. Rather, what we say is, we will move it a little bit more slowly so that we can give the millions of low-income Americans that need them section 8 vouchers.

I say to my colleagues, the majority that wrote this bill have put us in this situation of having to make this very real and very tough choice; and the reason is because they put nothing in the bill to fund the section 8 vouchers that are needed.

Mr. Chairman, I urge support of the Nadler-DeGette amendment.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume to point out to the gentlewoman that we put $13 billion in this bill for section 8 vouchers.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, the gentleman would agree, I would assume, that none of the money in the bill is for new section 8 vouchers.

Mr. WALSH. Mr. Chairman, reclaiming my time, we put in 10,000 additional vouchers by using the recapture money from last year.

Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I appreciate the gentleman yielding me this time.

I would like to, in part, associate myself with the remarks of the gentlewoman from Colorado. While I do not agree with her ultimate position, I would suggest that the reason we are in this tough position is because of the budget that the majority has come forward with and the stingy allocation that it results in for not only this subcommittee, but for all appropriation subcommittees.

That is what the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking member, has spoken to so eloquently throughout this process, the fact that we have a budget agreement supported and written by the majority which is totally unrealistic and totally inadequate when we come over to the other part of the budget process, and that is the appropriation process. That is why we do not have enough money in

this bill for vouchers and for NASA and for science research. That is the problem that we are really confronted with; and we all can only hope that as the process moves forward, we will get additional allocation, and money will come; and certainly with the performance of the economy, that is justified.

We do not need to starve domestic discretionary programs in this time of prosperity. We do not need to have people in need of housing; we do not need to have homeless that are not being cared for. We do not need to choose between Space Station and the science programs and housing or any other programs. So I wanted to agree with the gentlewoman. Except, making the distinction that in our committee, given our allocation, I really do want to compliment the chairman for doing the very best job he could; and I know he looks forward to the day that we might get additional allocation.

Mr. Chairman, I do not know how much of my time I have used in speaking to that, but I want to suggest that I have no disagreement with the gentleman's objective of adding funding for incremental section 8 housing vouchers, housing assistance vouchers. I know that the chairman has supported that; and hopefully, as time goes forward and we get that additional allocation, we can be more responsive to that.

Unfortunately, my disagreement with the gentleman stems from his proposition to cut the appropriation for human space flight. This is the account that funds the Space Station and the Space Shuttle, and it is hard to see how a cut of this proportion will not have a severe impact on both of these programs.

His offering the amendment and the concerns expressed by the gentlewoman from Colorado are just expressions of the frustration we are all having in having to deal with a totally unrealistic budget resolution. The inadequacies reflect themselves when we come to the appropriations process.

So unfortunately, I am going to have to rise in opposition to the gentleman's amendment, while still being supportive of the objective of the amendments.

Mr. NADLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, the ranking minority member of the subcommittee has quite cogently pointed out the fundamental problem with this budget. I would say to the gentleman from New York (Mr. WALSH), although I am about to disagree with his most recent arguments, that none of us have any criticism to make of the very good job he did in a very bad situation. We believe he did the best he could with what he was handed. What he was handed, probably the EPA should not let anyone hand him, but he did not have any choice about that.

Now, the one thing that I disagree with that he said, suppose a Republican President had a Secretary of HUD; can we imagine a Republican President having a Secretary of HUD who handled the program so badly. I do not have to imagine it. I remember Sam Pierce in the golden days of Ronald Reagan, when Sam Pierce was the Secretary of HUD for 8 years. Ronald Reagan thought he was a mayor, the only time he apparently ever met him; and Sam Pierce was, to use a technical term, disgraceful. He was incompetent, he enabled corruption. More people from that administration went to prison for misuse of HUD. So the notion that somehow we want to get back to the golden days of the Republican administration of HUD is not persuasive.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, the point that I was trying to make was, there should be an outcry today also. As then, there should be now.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I would have to say to the gentleman if that was the point he was trying to make, I do not understand why he made a totally different one.

I was quoting him when he said, if a Republican President did this, we would have an outcry. A Republican President did much worse. In fact, I think the current administration of HUD is doing a very good job in difficult circumstances. I think there is a misperception about the section 8 program.

The section 8 program is not one undifferentiated pile here in Washington that is doled out from Washington. It is broken up, it is allocated among thousands of jurisdictions, and the rate at which section 8 is utilized depends on the jurisdictions, the administrative efficiency in the jurisdictions, the rents that go up in the jurisdictions, the difficulty that people have in those jurisdictions of finding housing. I know of section 8 vouchers that have gone unused in my own district because the rents have been so high. Indeed, there is probably a logic in linking this to the Space Station, because pretty soon it is going to be as about as expensive to live in parts of Boston and San Francisco as it is to get them up there in the Space Station.

The section 8 program is a decentralized program in its administration, and the failure to have a 100 percent utilization rate is inherent in the program. There are also, of course, situations where people's incomes go up and there is more money, so we do not use as much money for that; but there is a pattern with the distribution which leads, in many cases, to vouchers not being used. I do not believe it is possible to get 100 percent utilization. It is possible to get a high rate, and the more vouchers we vote, the more vouchers we will get in the hands of the people, given that there is an inevitable slippage in a program administered in this fashion.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

1930

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, this is an uncomfortable position when we have to match oranges and apples, and we have to stretch a penny for programs that we advocate for. Let me also acknowledge that this debate on the appropriations bill for VA–HUD has been one of the more civil debates, because there is a lot of agreement on money issues. One is we need more money for needed programs.

I happen to be a very strong supporter of what Section 8 vouchers do. In fact, I was on the floor recently saying that the provision that allows Section 8 vouchers to be utilized for the purchasing of homes is a very important new feature of this housing program to allow low-income to buy homes.

But I am saddened to rise to oppose this amendment because of the $344 million that is taken out of the International Space Station. I think this again raises the question, and I do not know if we will ever get to do this, of separating out these independent agencies from these very large programs like VA and HUD; not to say that these other independent agencies are not important, but they have a narrow focus, and their focus is important.

HUD is suffering from the fact that these other agencies have funding and HUD does not have enough. However, the Space Station funding and the NASA budget has been flat for almost 5 years. In fact, it has a flat 5-year budget, to a certain extent.

The Space Station has been on an orderly funding cycle. It has utilized the money efficiently. It is almost completed. It is a project that most Americans would support or do support, believing that it does provide the kind of research that we ultimately need in finding cures for diabetes, heart disease, and stroke; and other difficult diseases, so there is a viable role for the Space Station. It helps us with creating work for the 21st century in the research that can be done there.

This $344 million, 20 percent of its budget would literally kill that program. This is not to say that there is not a need for Section 8 vouchers. I do recognize the need for Section 8.

Mr. Chairman, what I would hope is that we will find our way in conference to be able to respond to the needs for affordable housing for Americans. I will support that effort. That should be the commitment of this House. But I also believe, Mr. Chairman, that to gut an independent agency program that has been efficient and consistently doing its job with the monies that have

been allocated would be unfair and would be ill-timed, at this time.

I support the Space Station. I unfortunately have to oppose this amendment. I would ask my colleagues to vote no on this amendment, and let's work together to pass a final VA–HUD bill that puts more money for housing in the Conference Report.

Mr. Chairman, I rise today to oppose the Nadler-Degette amendment to H.R. 4635, the VA–HUD-Independent Agencies Appropriations Act.

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

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

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

The Nadler-DeGette amendment seeks to appropriate $344 million for 120,000 Section 8 incremental (new) vouchers to provide assistance to additional low-income families. Regrettably, the amendment offsets this appropriation by slashing funding for the international space station by an equal amount. Mr. Chairman, the adoption of such a funding decrease for the international space station would essentially destroy the program.

Although many of us would have clearly preferred to vote on a bill that includes more funding for vouchers to provide assistance to low-income families, the Veterans Administration and National Science Foundation programs, such increases should not offset the money appropriated for our international space station.

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

Mr. Chairman, I am proud the Johnson Space Center and its many accomplishments, and I promise to remain a vocal supporter of NASA and its creative programs. NASA has had a brilliant 40 years, and I see no reason why it could not have another 40 successful years. It has made a tremendous impact on the business and residential communities of the 18th Congressional District of Texas, and the rest of the nation.

In closing, I hope my colleagues will vote against this amendment and the bill so that we can get back to work on a common sense measure that invests in America's future, makes affordable housing a reality across America, and keeps our vital NASA program strong well into the 21st century.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I rise very enthusiastically to support the Nadler-DeGette amendment to increase funding for incremental Section 8 housing vouchers.

President Clinton requested 120,000 new or incremental Section 8 housing vouchers to alleviate America's housing crisis. The majority's 2001 appropriations bill provides zero funding for new this-year vouchers. Given America's shortage of affordable housing, this bill should provide funding to expand the amount of Section 8 housing assistance available to America's families.

I know that the gentleman from New York and the distinguished ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), have both spoken against this amendment because the gentleman from New York (Mr. WALSH) did the best he could with what he had.

However, sadly, the budget figures that went into this produced a bad result. As I have said over and over again in this appropriations process, the reason so many great mathematicians come out of MIT is that so many great mathematicians go into MIT. If we have a bad budget allocation that goes into the bill, we can only come out with a bad appropriations bill. That is just most unfortunate.

What is the need for this? This amendment adds 60,000 incremental Section 8 housing vouchers, half of what the President requested, for a total of $344 million. HUD estimates the need as being more than 4.4 million Americans who suffer worse-case housing needs, pay more than half their income for rent, or are living in substandard housing.

This amendment will assist only a small percentage of those in worst-case households. We should do more. Nonetheless, this amendment is very important and would help low-income renters afford rental housing.

According to HUD's most recent 2000 State of the Cities report, California is experiencing an inequitable economic growth and an inequitable distribution of wealth. As the gentlewoman from Colorado pointed out, we are having problems with our success. As our economy flourishes, our housing costs rise, making problems for those who need affordable housing. This amendment would go a long way to help them.

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

Mr. Chairman, I will work on the assumption that there is some misunderstanding, as opposed to the direct attempt to confuse. I really believe that. I think there is just some misunderstanding here.

It has been said twice now that there is no money in this budget for new incremental vouchers. I will read from the bill, page 23 of the bill, that says, ''Provided further, that of the total amount provided under this heading, up to $60 million shall be made available for incremental vouchers under Section 8 of the Act on a fair share basis to those public housing authorities that have 97 percent occupancy rate.''

Mr. Chairman, that translates into over 14,000 new, I would emphasize new, Section 8 housing vouchers. So I understand that we have disagreements over priorities, but we really have to deal on the floor on the basis of fact. The facts are that we have provided $60 million for new incremental vouchers to the tune of 14,000.

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

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

Mr. Chairman, in the last 2 years we, this Congress, funded respectively 50,000 new vouchers and 60,000 new vouchers, after a number of years at zero. Now we are told we are going back to zero.

The Administration requested 120,000 new Section 8 vouchers. The bill provides none. The amendment asks for 60,000. We are told that the bill does provide for new vouchers from recaptures. The fact is, the expected amount of recapture money available is already anticipated in the bill and has been given to four other priorities before new Section 8 vouchers, so we do not expect that there will be any new substantial amount of money from those recaptures available for new vouchers, number one.

Number two, there are millions and millions of people at need. We should be doing hundreds of thousands, and even if some of that money is recaptured, it is not nearly sufficient for the need.

Now we are told we should not take this money, 16 percent, we should not reduce the budget for the Space Station by 16 percent in order to provide half as many new vouchers as the administration requested. I voted against the Space Station, so I cannot say I would like to see the money given.

But the fact is, even if Members support the Space Station, a 16 percent reduction will not materially delay it. It is certainly worth providing 60,000 people with decent housing.

Mr. Chairman, I will also say that this is a decentralized program. Not every local housing authority is tremendously efficient. Therefore, they do not use every one. Also, very often when people get a Section 8 voucher it takes them months to find housing within the limits, or maybe they cannot even afford it. That is why money is not spent, necessarily. It does not mean we do not need the money.

I would urge that we adopt this amendment and provide the money we need.

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

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

Mr. WALSH. Mr. Chairman, I would just ask the gentleman rhetorically if he would rather have the Administration use those recaptured funds for Kosovo, like they did last year?

Mr. NADLER. Reclaiming my time, I am not here to defend the Administration, whatever it uses or does not use recaptured funds for. I am simply saying, 60,000 new Section 8 units, even if we could recapture some and get 10,000 more, that is little enough, a piddling sum. We should not be in the position of having to choose between the Space Station and 60,000 new vouchers.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON), and then I will close.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment. I understand very well the gentleman's concerns from New York City, but if we take this amount of money out of the Space Station program, we are effectively going to kill it. This program is operating on absolutely no margin. It has been cut repeatedly by this Congress.

We have a load of hardware built and ready to fly. The Russian module was supposed to launch next month. The missions are essentially stacked up. Cutting this amount of money in my opinion is going to be potentially lethal to the program. The gentleman has admitted that he voted against the Space Station, so a cutting amendment like this that is going to kill it I am sure is no offense to him.

Might I just add, I understand there are some legitimate issues in housing, but I believe HUD is being plussed up $4 billion in this VA–HUD bill that we are taking up today. NASA has been declining for the past 7 years. I would support the chairman on this issue.

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

Mr. Chairman, I would strongly urge we reject this amendment. The Space Station is ready to go. This 20 percent cut in the program would kill the program, and all the science and good will that goes with the program.

It is a very important program. As I mentioned earlier, we have young people all over the world who will participate in this. Seeing their parents and their countries cooperating globally to conduct a major science project is an inspiration.

We need to inspire young people today, especially certainly towards idealism and altruism, but also towards math and science, which is what this program is all about.

Lastly, to take the funds out of a program that needs the money and put it into a program that is, for all intents and purposes, fully funded is a mistake. So I would strongly urge that we reject this amendment.

(Ms. VELAZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELAZQUEZ. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise today in strong support of the Nadler/DeGette Amendment to increase funding for new Section 8 housing vouchers.

HUD estimates that over 5.4 million low-income renter families spend more than half of their incomes on housing or live in severely substandard housing. This bill would contribute to the growing backlog of families who can't afford decent, safe and sanitary housing.

In New York City we are experiencing a severe shortage of affordable housing. The need for the Section 8 vouchers is so overwhelming that the New York City Housing Authority closed the waiting list for this program in December of 1994. No other applications have been accepted for 66 months. Yet despite this drastic measure, as of January 1st of this year, there were still 215,385 families on the Section 8 waiting list in New York City.

We are experiencing a housing crisis in our nation's urban communities. Section 8 vouchers serve as a safety net for thousands of working families. The Nadler/DeGette Amendment ensures that this safety net continues to be available. In a time of unprecedented economic prosperity, it is shameful to continue to ignore the basic needs of our poorest citizens.

I strongly urge all of my colleagues to vote in favor of the Nadler/DeGette Amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendments offered by the gentleman from New York. Quite simply, they threaten our long-term future. This amendment will transfer $344 million out of NASA's Human Space Flight account and put it in HUD's Section 8 program.

The space program is part of our national science and technology enterprise. We all know that our current economy owes much of its success to forty years of federal investments in science and technology. That federal effort generates the pre-competitive breakthroughs in science and technology that make day-to-day applications possible in the future. Because that benefit is long-term, most of us will not be in this Chamber to see the benefits of the decisions we make today, just as the Members who nurtured our science and technology program forty years ago have left this body to enjoy the political benefits of their support for the space program. Thus, there's little political payoff in advocating science and technology.

That's why science and technology demand statesmanship and long-term vision. Federal investments serve the good of the country and the future of our grandchildren. Fortunately, this Chamber has repeatedly demonstrated the long-term vision needed for our nation's science and technology programs in space. It did so last year by rejecting similar amendments and preserving funding for the space program. It should do so again this year, by maintaining the space program as a high priority and voting against the Nadler amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of the Nadler-DeGette Amendment to appropriate $344 million for 60,000 section 8 incremental (new vouchers) to provide housing assistance to low income families.

First of all Mr. Chairman, we know that the overall appropriation recommended for VA–HUD is too low, which forces us into an either-or situation. Either we shortchange some of the pressing needs which are most immediate, or we delay development of new horizons and new opportunities like space exploration; and I tell you Mr. Chairman, I, like countless others want to see us is space as much, as often and in as many ways as we can possibly be. But, Mr. Chairman, I also recognize that there are thousands of people in my district alone who live in dilapidated buildings with vermin, termites, and hopelessness all around them. I know that there are more than 165,000 people in my district who live at, or below the poverty level and I know, I know Mr. Chairman that they need relief; they need help, they need a chance to live decently and they need it now.

I met last week with a group of residents at Boulevard Commons on the Southside of Chicago. Boulevard is a project based section 8 program where the building is going to be vacated because of need for repair. They are frustrated, filled with uncertainty, and not sure about what their future will be. I am also working with a group of senior citizens on the near Northside of Chicago at Neighborhood Commons where they are being told that they no longer have section 8, one can imagine the consternation being experienced by this group.

And so, Mr. Chairman, I urge passage of this Amendment to add 120,000 new section 8 vouchers for low-income families.

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

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

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. HOSTETTLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . None of the funds made available in this Act to the Department of Housing and Urban Development may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of Housing and Urban Development (among other parties).

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

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

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

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

Mr. Chairman, on April 7 I joined with 62 other Members in a bipartisan fashion to write to the chairman of the Subcommittee on VA, HUD and Independent Agencies and the Subcommittee on Treasury, Postal Service and General Government of the Committee on Appropriations to ask that they prohibit HUD and the BATF from using taxpayers' money to implement a settlement agreement entered into between HUD and Smith & Wesson.

As we said in our letter, this settlement agreement sets terms for the continued operation of Smith & Wesson that affect many retail customers and wholesale distributors. This agreement has been widely touted in the media as an agreement for Smith & Wesson to include trigger locks with the firearms they sell.

In reality, however, this agreement is much, much more. This 22-page settlement agreement requires Smith & Wesson to implement gun control measures, and for Smith & Wesson to require their dealers to implement the same gun control measures. Smith & Wesson received in exchange HUD's promise not to sue.

The last time I checked, Mr. Chairman, the Congress is the legislative body of the United States government. I suppose former Labor Secretary Robert Reich was prophetic in his statement in USA Today when he said in February of 1999, ''The era of big government may be over, but the era of regulation through litigation has just begun.''

Let me give a few examples of this new regulation, or, more properly defined as legislation, contained in this agreement. Keep in mind that this body did not agree to these provisions, and in some cases we have rejected similar provisions.

Also keep in mind that in the agreement, Smith & Wesson agrees to bind all those dealers who wish to sell Smith & Wesson products to the restrictions in the agreement. In other words, Smith & Wesson dealers must include the following restrictions on all firearms sales, regardless of make. This includes Smith & Wesson, Ruger, Beretta, Colt, and so on.

In order to continue selling Smith & Wesson products, dealers must agree to, one, impose a 14-day waiting period on any purchaser who wants to buy more than one firearm; again, all makes. Did Congress authorize such a restriction?

Two, transfer firearms only to individuals who have passed a certified safety examination or training course. Once again, all makes are covered. Did Congress authorize this restriction?

Three, the agreement authorizes the Bureau of Alcohol, Tobacco and Firearms to sit on an oversight commission to enforce provisions of the coerced agreement. When did Congress authorize the BATF to enforce private civil settlement agreements?

1945

Four, this agreement requires the BATF or an agreed upon proofing entity to test firearms. Did we do this in this Congress?

Five, the agreement mandates that Smith & Wesson commit 2 percent of their revenues to develop authorized user technology and within 36 months, not immediately, 36 months to incorporate this technology in all new firearm designs.

I would say as an aside, with regard to the debate that happened concerning my previous amendment, some speaker said that this would happen immediately. But, in fact, the agreement says that 36 months from now this must happen.

It appears HUD likes unfunded mandates. Did Congress authorize this unfunded mandate? I could go on and on, but time prevents me from doing so.

What is the result of this legislation through litigation tactic employed by HUD? Well, a few days ago, Smith & Wesson announced that it would shut down two of its plants for a month, leaving 500 workers with an unscheduled vacation. But is this not really what HUD wants? We should not allow HUD to legislate through litigation.

I ask my colleagues to support my amendment, to take the power of legislation out of HUD's hands, and return it where the Constitution requires, the Congress.

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

The CHAIRMAN. Does the gentlewoman from New York (Mrs. MCCARTHY) claim the time in opposition to the amendment?

Mrs. MCCARTHY of New York. I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from New York (Mrs. MCCARTHY) is recognized for 15 minutes.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, the gentleman from Indiana (Mr. HOSTETTLER) references the problems that Smith & Wesson is facing as a result of, not HUD's activity, but retaliation against an industry leader that has been willing to be courageous in being part of a long overdue effort to reduce gun violence in America. A part of the retaliation is here on the floor today.

For far too long, we have drug our feet in simple common sense steps to make gun safety a part of an overall strategy. Things like trigger locks, gun lockboxes, smart weapon technology, making a better gun is a prudent thing to do.

One out of six of our law enforcement officers who die in the line of duty are killed with their own service revolver. But it is not good enough for the gentleman from Indiana. He wants to try and gut the amendment to make real progress towards eliminating this problem. This is using the private sector to produce safer weapons, have a code of conduct that would help end the scandal that we have in this country, that there are more consumer protections for water pistols than for real guns, that this Congress has the courage to make an asprin bottle difficult for a 2-year-old to open, but this Congress does not have the courage to make that hard for that 2-year-old to kill his baby sister.

This amendment is a disgrace. I have in the foyer of my office a picture of Kevin Imel, a young child of a friend of mine who was killed by a classmate in an angry moment. It is time for us to put faces on the million Americans who have been killed by gun violence since I started my public service career. It is time for us to stand up to the tyranny of the gun lobby and the people who would pander to them, and we can start by rejecting this amendment tonight.

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

Mr. Chairman, I would simply say, if there is retaliation that is going on as a result of the agreement that Smith & Wesson has taken place, if the gentleman from Oregon (Mr. BLUMENAUER) would talk to his constituents, he would find out who it is doing that, and that is gun owners, gun purchasers, or his constituents who do not want Smith & Wesson to bring in more gun control through the back door by legislating through the executive branch.

I would say with regard to the comment of the gentleman from Oregon about law enforcement, having the ability to use proper guns, I think the gentleman has probably seen the news clip of Governor Glendening's attempt to try to get a firearm to become unlocked so that the Governor could use it. The Governor was unable to do so. I am afraid it was very possible that a police officer would likewise run into similar situations on the job.

Likewise, the gentleman from Oregon said that there is more regulation for a squirt gun than for the purchase of a real gun. Well, that is intriguing. My 3-year-old recently purchased a squirt gun. I should say his mother did. It was not a straw purchase. But his mother purchased a squirt gun for him. In doing so, my 3-year-old son did not have to fill out paperwork asking if he had committed a crime or if he was an alien of the United States of America. So I am not quite sure that that is accurate.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE).

(Mr. DOOLITTLE asked and was given permission to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Chairman I commend the gentleman from Indiana (Mr. HOSTETTLER). He is highly principled and has the courage to do what I think is clearly right by the people of the United States in offering this amendment. The points that he has made I agree with completely.

The Clinton administration and the liberals could not get through the Congress what they wanted to, so they

tried to do it through a settlement using the power of the Government, suing the gun manufacturer, and then securing a whole raft of restrictions entered into supposedly voluntarily as part of the settlement. It affects the gun rights of everyone. I just think it is terribly misplaced.

I hope we approve the amendment of the gentleman from Indiana that will, in essence, gut the settlement, because it deserves to be set aside. If we are going to enact legislation or policies of this type, then bring them here to the Congress of the United States. Let us debate them and let the people's Representatives make the decision about this rather than simply having this done off to the side in the secrecy of settlement agreements that are entered into.

The thing that bothers me the most, though, Mr. Chairman, is this constant focus of liberals on the gun, the instrumentality, rather than on the people who are misusing the instrumentality. I mean, we have seen this time and time and time again. It is just a diversionary tactic because it is covering up the fact that, under the Clinton administration, Federal prosecution of gun crimes has dropped precipitously.

When we had a great program that we knew worked, like Project Exile in the Commonwealth of Virginia, and we tried to expand that to the rest of the country, the administration would not do it. Only this year under extreme pressure did they finally have to relent and start that program in other parts of the country where we have seen dramatic reductions in gun violence because the Federal Government, through the U.S. attorney in cooperation with local law enforcement, is prosecuting vigorously and to the fullest extent of the law the misuse of a firearm.

That is the direction we ought to be heading in, punishing the misuse of the firearm, not trying to achieve through stealth, in my judgment, what cannot be done by getting a majority of the House and Senate to go along with these very same policies when they are put to a vote here.

The gentleman from Indiana (Mr. HOSTETTLER) has a great amendment. I hope people support it.

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

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time, and I thank her for her leadership.

Mr. Chairman, it seems to be a little extreme to suggest that the Clinton administration that spear-headed the passage of the Brady bill that has caused thousands of criminals not to have guns in their hands and the passage of the ban on assault weapons.

But I rise in opposition to this amendment, because I do not believe the gentleman from Indiana (Mr. HOSTETTLER) understands the premise of what he intends to do. The Housing and Urban Development had every right to make a freestanding contract with Smith & Wesson, and that is what they did.

The retaliation comes from the underlying advocacy and opposition to the agreement by the National Rifle Association. But to encourage a gun manufacturer to have trigger locks and to be able to adhere to a code of conduct that would help close gun show loopholes so that children 6 years old do not kill children and that a distraught young man does not kill his teacher, I think HUD should be applauded. Smith & Wesson should be applauded.

This amendment should be voted down. We should go on with the business of saving lives in America.

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

Mr. Chairman, I respond to the gentlewoman from Texas (Ms. JACKSON-LEE) in her assertion that I do not understand what I am doing. I think I understand what I am doing perfectly well, and that is reasserting the Congress' authority under article I, section 1 of the Constitution; and that simply states that all legislative powers shall be vested in a Congress.

When HUD entered into the settlement agreement with Smith & Wesson, creating all these gun control measures that not only affect Smith & Wesson's relationship to its dealers and to its customers, but the relationship of all gun manufacturers, all retailers, all customers in every transaction, that it takes place in an authorized dealer of Smith & Wesson, they did take a back door to the legislative process.

It is my desire, through this amendment, to once again reassert the legislative prerogative of this body; and that is to have the people's House determine what the legislation should be, what the direction of course should be in this policy-making arena, and not to allow unelected bureaucrats to do that.

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

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I thank the gentlewoman very much for yielding me this time.

Mr. Chairman, it is most unfortunate and unwise to sit here on the floor and hear all of the rhetoric from the proponents of this amendment try to align its substance as being anti-Clinton and anti-liberals. When children pick up guns, they are not political. They do not know who manufactures a gun. They do not know whether or not it has a trigger lock on it. They just know they pull the trigger.

I think it is most unfortunate, given the outbreak of violence around this country where innocent people have died at the hands of an innocent person until they pull the trigger, it would be most unfortunate if we supported this amendment.

I want to applaud Smith & Wesson, even though I am not a gun owner and a gun user, for exerting corporate responsibility. That is what it is.

If my colleagues adopt the Hostettler amendment, with all deference to the gentleman from Indiana, if my colleagues adopt his amendment, however, it would have a chilling effect on other companies who are willing to take steps in the right direction in promoting gun safety.

We talk about the bureaucracy in the Clinton administration and Big Brother government; but as I recall, even before I got here, we talked a lot about public safety, air bags in automobiles, safety belts in cars, to keep people from dying accidently.

We talk about imposing training on people when people have to be trained to even get their license to drive an automobile, which if used recklessly and wantonly, will kill people.

We require airline pilots who take the gentleman from Indiana (Mr. HOSTETTLER) and I back and forth to Indiana on a weekly basis, to have a certain amount of training. I would hate for us to get on an airline with an untrained pilot. We both would be in trouble regardless whether we are Democrat or Republican or conservative or liberal.

Mr. Chairman, I urge a defeat, respectfully, of the amendment of the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

(Mrs. CUBIN asked and was given permission to revise and extend her remarks.)

Mrs. CUBIN. Mr. Chairman, I rise in very strong support today of the Hostettler amendments, both this one and the one that we debated earlier.

I want to just stop for a minute and take a look at our country. Every single day, there are men and women in our country that get up, most of the time they are in uniform, fire fighters, police officers, men and women in the military, and they get up, they button their uniform on; and when they do that, they are saying to us, today I will die if I need to to protect your freedom.

Well, we owe those people something. If the Communities for Safer Guns Coalition gets everything that they want, then what they are doing is they are taking the maximum security that those people could have away from them.

We would never in this body attempt to regulate the kind of ropes that fire fighters might be able to use while they do their job to try to save their life. We would never ask for lower quality guns and ammunition or tanks for our military people just because it was the political action of the day or the political discussion of the day.

So why should we, why should we take the right of chiefs of police in

local communities away from them to get the equipment that they think gives their force the greatest possibility of survival, God forbid they should come into a situation where they needed to use that equipment, where they needed to use those weapons.

2000

That is unthinkable. And that is really what the Communities for Safer Guns Coalition is about. It is about diminishing the safety of those people who say they will die for us if they have to do that. It is not about saving lives.

Let me talk about the other issue, of whether or not we should be spending Federal funds to implement and enforce the agreement with Smith & Wesson. As my colleagues know, I represent the great State of Wyoming. I am a gun owner. I have a permit to carry a concealed weapon in the State of Wyoming, and I do. I am trained in the use of this gun. I am trained in the use of rifles. My husband and I together trained our children. We took them hunting. We took them target practicing. We taught them to respect what a gun is and to respect the way to handle it. And we also taught them to respect the law and that if they did not respect the law and obey the law, there would be consequences to pay.

Well, what this administration needs to do with their time and with their money is to enforce the laws that we have and make sure that people who break the law using guns suffer the consequences. President Clinton brags that about 540,000 felons who tried to purchase weapons illegally were prevented from doing so under the Brady bill. Do my colleagues know how many of those people were prosecuted? Fewer than 200.

I would say that if the President really wants to stop death and violence, that he should see to it that we start punishing criminals, locking them up, and letting law-abiding citizens own their guns, be responsible, and protect themselves.

In Australia, just lately, not too long ago, the government took the guns away from all the citizens. The crime rate skyrocketed because only the criminals have guns. I want to have a gun, to be able to defend myself or defend my family. But most of all I want to defend the Constitution of the United States of America. I want to defend not just the second amendment but all of them, and I ask my colleagues to vote in favor of the Hostettler amendment so that we can do that.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. First of all, in response to my friend from Wyoming, the number of arrests and prosecutions are up significantly since 1992. They are obviously not adequate enough, but if we had more BATF enforcement officers, that would help that situation.

Certainly public safety officers are not endangered when they can obtain guns, when they are licensed, when they are trained. And I would think many of them would like to have a child safety lock on their gun when it is at home and their kids might have access to it.

But, Mr. Chairman, I want to try to paraphrase from Dante's Inferno. He talks about the fact that the lowest level and the depths of hell is reserved for those who, knowing the difference between good and evil, choose not to become involved, thereby letting evil prevail. In fact, Rabbi Saperstein, in his letter to all of us, urging rejection of the Hostettler amendment, quotes Leviticus and Jewish tradition that we should not sit idly by the blood of our neighbors.

How can we not get involved when more than a dozen kids a day are dying of firearms. Maybe we do not believe that. Maybe we do not care, because most of those deaths are in urban minority low-income communities. When it happens in a white suburban middle-class community we read about it at least. Or maybe we do not even read about it; maybe we do not care about it. But the fact is we ought to do something about it. It is wrong. These children are losing their lives because guns are all over the place. They are pervasive in our society, and that is wrong.

When 411 communities try to get together to do something about it, to try to protect the kids in their communities, what do we do? We try to stop them. We do not let them get away with that interfering. Let us see what constructive alternatives our colleagues have, because what we are doing today is not enough: 300,000 deaths, a dozen kids a day. Show us what those on the other side of the aisle would do about it, more than rhetoric.

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

I would simply call to point that this is a very passionate debate that has taken place tonight, and that is exactly what the framers of the Constitution intended to happen. They intended to have passionate debate on issues relating to things as important not only as the second amendment and the right to keep and bear arms, that shall not be infringed, but as well the ability for the legislative branch to maintain its prerogative to do just that, and that is to legislate.

What this amendment will do is simply stop the legislative activity on the part of the administration in this one small particular area so that the gentleman from Virginia, the gentlewoman from New York, everyone else involved in this debate can have that passionate debate; and they can have that passionate debate based on the understanding of the Constitution, public safety, and all other things, separation of powers, Federalism and all that, according to what the legislation should be and what their elected representatives should do.

These people in HUD, the BATF, they are there to faithfully execute the laws of the United States. They are not there to faithfully create the laws of the United States. That is what they did in this agreement.

Mr. Chairman, I simply ask for Congress to once again assert our legislative prerogative. Defund this agreement. And if the other side wants to create another debate about gun control, they can do that. But that should happen in the halls of this building, the Congress, and not behind closed doors in the bureaucracy.

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

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I would like to take my time, this 1 minute, to commend the gentlewoman from New York for her extraordinary leadership and her extraordinary courage. She has become the personification in this country of gun safety, and to the mothers and families of America she is a leader and a source of hope and inspiration.

It seems the least we can do here, out of respect for the concerns that parents in America have about gun safety, is to defeat the Hostettler amendment. This amendment, and the one that preceded it earlier regarding the coalition, are really unnecessary and they fly in the face of incremental and reasonable and common sense attempts to protect our children from guns.

This code of conduct really should be serving as a model; and, instead, this House of Representatives is considering eliminating it, taking a step backward. Who can oppose the idea of HUD engaging in an agreement for a code of conduct for gun safety?

HUD should be commended, the gentlewoman from New York should be commended, and we should defeat the Hostettler amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her extraordinary leadership.

Mr. Chairman, I rise in opposition. Why are we attacking companies trying to do the right thing? This amendment would defund the settlement reached between Smith & Wesson and HUD to reduce handgun violence. Smith & Wesson agreed to develop safer handguns, install child safety locks, and to sell only to vendors who require background checks. All reasonable, common sense gun safety actions.

We have, Mr. Chairman, over 13 young people dying each day due to gun violence. We have children killing children. I guess protecting children is just too much to ask. This amendment

prevents Smith & Wesson and other responsible companies from working to make our communities safer. This amendment will do nothing but appease the NRA and some members of the gun industry.

I urge a ''no'' vote, Mr. Chairman.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, the Hostettler amendment is another example of how far out of step the Republican leadership is with the American people. They refuse to move ahead with gun safety legislation, and now they have gone out of their way to punish Smith & Wesson simply because Smith & Wesson wants to include a child safety lock with their handgun. It is mind-boggling.

Further, they would gut the Communities for Safer Guns Coalition. This is 411 cities and towns across the country who have agreed to purchase handguns for their police officers from gun makers that agree to include child safety locks with the guns they sell and to keep a close eye on the gun dealers that sell to criminals.

Let me tell my colleagues that if they vote for this amendment, if they support it, they turn their backs on the values of this country and on the American people. This is the people's House. Overwhelmingly this country wants to see gun safety legislation. And what is more, those who vote for this amendment will be living up to the old saying that ''no good deed goes unpunished.'' They will be telling people that they not only oppose mandatory child safety locks but they are going to punish companies who voluntarily include child safety locks with their guns.

What is next? Shall we punish car manufacturers who make safe cars, pharmaceutical companies that put child safety locks on aspirin bottles? Smith & Wesson, my colleagues, have done the right thing. They have agreed to include a child safety lock with the guns they sell. They have agreed to help ensure that dealers who sell their guns will only sell to law-abiding citizens. We should be thanking them. Instead, the gun lobby and the Republican leadership of this House want to prevent local efforts to make our communities, our neighborhoods safer, and to punish the gun makers that act responsibly.

This is so wrong, it is unbelievable. We should reject this kind of revenge by legislation. Let us defeat the Hostettler amendment tonight.

Mrs. MCCARTHY of New York. Mr. Chairman, may I ask how much time is remaining.

The CHAIRMAN. The gentlewoman from New York (Mrs. MCCARTHY) has 4 minutes remaining.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WALSH).

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

Unfortunately, Mr. Chairman, we are having this debate on this bill, and I would like to clarify a couple of points. First of all, our staff has checked and, according to HUD's records and their budget office, there are no funds being spent to implement this agreement. The administration has not requested funds for this purpose, and the bill does not include those funds. Consequently, the amendment really has no practical impact on HUD and is, therefore, unnecessary.

The problem is, for us, with this bill, it creates real difficulties. It creates a diversion away from the real issues of the bill. Much like the Kyoto debate on report language, we are trying to anticipate what the administration might do when no funds are actually being expended.

So I would urge that Members vote against this amendment. It really is not, in my mind, germane to this bill; and for that reason, I would urge a ''no'' vote.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, obviously, I stand against this amendment for many reasons. Unfortunately, we have heard an awful lot, in my opinion, on not understanding exactly what the agreement was. We have heard Members talking about gun control. This is not gun control. It is not even near gun control. What we are talking about is child safety, safety and guns. And our police officers across this Nation certainly have the opportunity to either reject or not accept this agreement when they buy their guns.

Let me say something to my colleagues. Across this Nation all of our communities, all of our cities are trying to figure out how to reduce gun violence in this country. Secretary Cuomo, with HUD, has come up with an agreement with Smith & Wesson, which has taken on the responsibility of trying to make safer guns. Not eliminate guns, make safer guns. Safer guns for our police officers and certainly, hopefully, safer guns for our citizens.

2015

Yes, they want background checks. Well, I think almost everybody should agree that we do not want to sell guns to criminals, so people should go for background checks. Smith & Wesson has agreed to do this. Guns cannot be marketed to children.

Wow, that is some sort of gun control, is it not? Guns cannot be marketed to children. The smart guns again.

We talk about using taxpayers' money. My colleague from New York (Mr. Walsh), the chairman, has said no monies have been appropriated for this. But let me tell my colleagues what we spend on health care in this country every single year because of gun injuries in this country. It is over $2 billion a year.

If our communities and certainly the housing that we are putting people in can be made safer, that is what we should be doing. This is not a Republican issue. This is not a Democratic issue. As far as I am concerned, this is part of a health care issue. Smith & Wesson, certainly Secretary Cuomo of HUD, have tried to do something to try to make this country safer. I applaud him for this.

I wish we could get past this thing of gun control. There is not one person, not one person, in this Congress that is trying to take away the right of someone owning a gun. That is something everyone should start to remember. I am tired of hearing that. I will never try to take away the right of someone owning a gun. That is not what I am here for. But I am certainly trying to keep health care costs down. I am certainly trying to save lives.

I think that Smith & Wesson has done the right job, and I say let us support them for a change.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 525, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 23 offered by the gentleman from New York (Mr. HINCHEY); amendment No. 35, as modified, offered by the gentleman from New York (Mr. HINCHEY); the amendment offered by the gentleman from Georgia (Mr. COLLINS); amendment No. 24 offered by the gentleman from Indiana (Mr. HOSTETTLER); amendment No. 4 offered by the gentleman from New York (Mr. NADLER); amendment No. 25 offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

AMENDMENT NO. 23 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 23 offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by the voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

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 145, noes 277, not voting 12, as follows:

[Roll No. 303]

AYES—145

Ackerman	Greenwood	Mollohan
Allen	Gutierrez	Moore
Andrews	Hinchey	Murtha
Baldacci	Hoeffel	Nadler
Baldwin	Hoekstra	Neal
Barcia	Holden	Obey
Barrett (NE)	Holt	Olver
Barrett (WI)	Horn	Owens
Bass	Houghton	Pallone
Bereuter	Hulshof	Pascrell
Biggert	Hyde	Payne
Blagojevich	Jackson (IL)	Petri
Boehlert	Johnson (CT)	Pitts
Bonior	Kanjorski	Porter
Borski	Kaptur	Quinn
Boswell	Kelly	Reynolds
Brady (PA)	Kennedy	Rivers
Camp	Kildee	Rothman
Capuano	Kilpatrick	Roukema
Carson	Kind (WI)	Rush
Castle	King (NY)	Ryan (WI)
Chabot	Kleczka	Sanders
Clay	Klink	Saxton
Conyers	LaFalce	Schakowsky
Costello	LaHood	Sensenbrenner
Coyne	Larson	Shays
Crane	Latham	Sherwood
Crowley	Lazio	Shimkus
Danner	Leach	Shuster
Davis (IL)	Levin	Slaughter
Delahunt	Lipinski	Smith (NJ)
DeLauro	LoBiondo	Stabenow
Dingell	Lowey	Stupak
Doyle	Maloney (CT)	Sununu
Ehlers	Maloney (NY)	Sweeney
Engel	Manzullo	Terry
English	Markey	Tierney
Ewing	Martinez	Toomey
Fattah	Mascara	Towns
Forbes	McCarthy (NY)	Upton
Fossella	McGovern	Velazquez
Frank (MA)	McHugh	Walsh
Franks (NJ)	McIntosh	Waters
Frelinghuysen	McNulty	Weiner
Ganske	Meehan	Weldon (PA)
Gejdenson	Meeks (NY)	Weller
Gilman	Menendez	Weygand
Goodling	Mink	
Green (WI)	Moakley	

NOES—277

Abercrombie	Capps	Evans
Aderholt	Cardin	Everett
Archer	Chambliss	Farr
Armey	Chenoweth-Hage	Filner
Baca	Clayton	Fletcher
Bachus	Clement	Foley
Baird	Clyburn	Ford
Baker	Coble	Fowler
Ballenger	Coburn	Frost
Barr	Collins	Gallegly
Bartlett	Combest	Gekas
Barton	Condit	Gephardt
Bateman	Cooksey	Gibbons
Becerra	Cox	Gilchrest
Bentsen	Cramer	Gillmor
Berkley	Cubin	Gonzalez
Berman	Cummings	Goode
Berry	Cunningham	Goodlatte
Bilbray	Davis (FL)	Gordon
Bilirakis	Davis (VA)	Goss
Bishop	Deal	Graham
Bliley	DeFazio	Granger
Blumenauer	DeGette	Green (TX)
Blunt	DeMint	Gutknecht
Boehner	Deutsch	Hall (OH)
Bonilla	Diaz-Balart	Hall (TX)
Bono	Dickey	Hansen
Boucher	Dicks	Hastings (FL)
Boyd	Dixon	Hastings (WA)
Brady (TX)	Doggett	Hayes
Brown (FL)	Dooley	Hayworth
Brown (OH)	Doolittle	Hefley
Bryant	Dreier	Herger
Burr	Duncan	Hill (IN)
Burton	Dunn	Hill (MT)
Buyer	Edwards	Hilleary
Callahan	Ehrlich	Hilliard
Calvert	Emerson	Hinojosa
Canady	Eshoo	Hobson
Cannon	Etheridge	Hooley
Hostettler	Morella	Sherman
Hoyer	Myrick	Shows
Hunter	Napolitano	Simpson
Hutchinson	Nethercutt	Sisisky
Inslee	Ney	Skeen
Isakson	Northup	Skelton
Istook	Norwood	Smith (MI)
Jackson-Lee (TX)	Nussle	Smith (TX)
Jefferson	Oberstar	Smith (WA)
Jenkins	Ortiz	Snyder
John	Ose	Souder
Johnson, E.B.	Oxley	Spence
Johnson, Sam	Packard	Spratt
Jones (NC)	Pastor	Stark
Jones (OH)	Paul	Stearns
Kasich	Pease	Stenholm
Kingston	Pelosi	Strickland
Knollenberg	Peterson (MN)	Stump
Kolbe	Peterson (PA)	Talent
Kucinich	Phelps	Tancredo
Lampson	Pickering	Tanner
Lantos	Pickett	Tauzin
Largent	Pombo	Taylor (MS)
LaTourette	Pomeroy	Taylor (NC)
Lee	Portman	Thomas
Lewis (CA)	Price (NC)	Thompson (CA)
Lewis (GA)	Pryce (OH)	Thompson (MS)
Lewis (KY)	Radanovich	Thune
Linder	Rahall	Thurman
Lofgren	Ramstad	Tiahrt
Lucas (KY)	Regula	Traficant
Lucas (OK)	Reyes	Turner
Luther	Riley	Udall (CO)
Matsui	Rodriguez	Udall (NM)
McCarthy (MO)	Roemer	Visclosky
McCrery	Rogan	Vitter
McDermott	Rogers	Walden
McInnis	Rohrabacher	Wamp
McIntyre	Ros-Lehtinen	Watkins
McKeon	Royce	Watt (NC)
McKinney	Ryun (KS)	Watts (OK)
Meek (FL)	Sabo	Waxman
Metcalf	Salmon	Weldon (FL)
Mica	Sanchez	Wexler
Millender-McDonald	Sandlin	Whitfield
Miller (FL)	Sanford	Wicker
Miller, Gary	Sawyer	Wilson
Miller, George	Scarborough	Wise
Minge	Schaffer	Wolf
Moran (KS)	Scott	Woolsey
Moran (VA)	Sessions	Wu
	Shadegg	Young (AK)
	Shaw	Young (FL)

NOT VOTING—12

Campbell	McCollum	Tauscher
Cook	Rangel	Thornberry
DeLay	Roybal-Allard	Vento
Kuykendall	Serrano	Wynn

2040

Mrs. CUBIN, Mr. SMITH of Texas, Mrs. CLAYTON, Messrs. REGULA, BROWN of Ohio, WATKINS, DIXON, MORAN of Virginia, VISCLOSKY, RAHALL, and RAMSTAD changed their vote from ''aye'' to ''no.''

Messrs. WELLER, HYDE, HULSHOF, COSTELLO, LEVIN, CRANE, Ms. KAPTUR, Mr. GUTIERREZ and Mr. ENGLISH 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 525, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 35 OFFERED BY MR. HINCHEY, AS MODIFIED

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY), as modified, on which further proceedings were postponed and on which the ayes 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 208, noes 216, not voting 10, as follows:

[Roll No. 304]

AYES—208

Abercrombie	Green (TX)	Mollohan
Ackerman	Greenwood	Moore
Allen	Gutierrez	Moran (VA)
Andrews	Hall (OH)	Morella
Baca	Hastings (FL)	Murtha
Baird	Hill (IN)	Nadler
Baldacci	Hilliard	Napolitano
Baldwin	Hinchey	Neal
Barrett (WI)	Hinojosa	Oberstar
Becerra	Hoeffel	Obey
Bentsen	Holden	Olver
Berkley	Holt	Ortiz
Berman	Hooley	Owens
Bilbray	Horn	Pallone
Bilirakis	Hoyer	Pascrell
Blagojevich	Inslee	Pastor
Blumenauer	Jackson (IL)	Payne
Boehlert	Jackson-Lee (TX)	Pelosi
Bonior	Jefferson	Pickett
Borski	Johnson (CT)	Price (NC)
Boswell	Johnson, E.B.	Rahall
Boucher	Jones (OH)	Ramstad
Brady (PA)	Kanjorski	Reyes
Brown (FL)	Kaptur	Rivers
Brown (OH)	Kasich	Rodriguez
Capps	Kelly	Roemer
Capuano	Kennedy	Rothman
Cardin	Kildee	Roukema
Carson	Kilpatrick	Rush
Castle	Kind (WI)	Sabo
Clay	Kleczka	Sanchez
Clayton	Klink	Sanders
Clyburn	Kucinich	Sawyer
Condit	LaFalce	Saxton
Conyers	Lampson	Scarborough
Coyne	Lantos	Schakowsky
Crowley	Larson	Scott
Cummings	LaTourette	Shays
Davis (FL)	Lazio	Sherman
Davis (IL)	Leach	Sherwood
DeFazio	Lee	Skelton
DeGette	Levin	Slaughter
Delahunt	Lewis (CA)	Smith (NJ)
DeLauro	Lewis (GA)	Smith (WA)
Deutsch	Lipinski	Snyder
Dicks	LoBiondo	Spratt
Dingell	Lofgren	Stabenow
Dixon	Lowey	Stark
Doggett	Luther	Strickland
Doyle	Maloney (CT)	Stupak
Edwards	Maloney (NY)	Tauscher
Ehlers	Markey	Thompson (CA)
Engel	Mascara	Thompson (MS)
Eshoo	Matsui	Thurman
Etheridge	McCarthy (NY)	Tierney
Evans	McDermott	Towns
Farr	McGovern	Udall (CO)
Fattah	McKinney	Udall (NM)
Filner	McNulty	Velazquez
Forbes	Meehan	Visclosky
Ford	Meek (FL)	Waters
Frank (MA)	Meeks (NY)	Watt (NC)
Franks (NJ)	Menendez	Waxman
Frelinghuysen	Millender-McDonald	Weiner
Gejdenson	Miller, George	Wexler
Gephardt	Minge	Weygand
Gilchrest	Mink	Wilson
Gilman	Moakley	Wise
Gonzalez	Moran (KS)	Woolsey
Gordon		Wu

NOES—216

Aderholt	Baker	Barrett (NE)
Archer	Ballenger	Bartlett
Armey	Barcia	Barton
Bachus	Barr	Bass

Bateman
Bereuter
Berry
Biggert
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frost
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCarthy (MO)
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Campbell
Cook
DeLay
Kuykendall
McCollum
Rangel
Roybal-Allard
Serrano
Vento
Wynn

☐ 2048

Mr. PEASE and Mr. BARR of Georgia changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COLLINS

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

The Clerk 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 225, noes 199, not voting 10, as follows:

[Roll No. 305]

AYES—225

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Berry
Biggert
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Carson
Chabot
Chambliss
Clement
Clyburn
Coble
Coburn
Collins
Combest
Conyers
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeMint
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Ford
Fowler
Frost
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kildee
Kilpatrick
Kingston
Klink
Knollenberg
LaHood
Lampson
Largent
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Regula
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wise
Young (AK)
Young (FL)

NOES—199

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilbray
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Calvert
Capps
Capuano
Cardin
Castle
Clay
Clayton
Condit
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goss
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kind (WI)
King (NY)
Kleczka
Kolbe
Kucinich
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Quinn
Ramstad
Reyes
Rivers
Rothman
Roukema
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Shaw
Shays
Sherman
Sherwood
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stark
Sununu
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Wolf
Woolsey
Wu

NOT VOTING—10

Campbell
Chenoweth-Hage
Cook
DeLay
Kuykendall
Rangel
Roybal-Allard
Serrano
Vento
Wynn

☐ 2056

Messrs. WALSH, DEUTSCH, WELLER and CALVERT changed their vote from ''aye'' to ''no.''

Messrs. OSE, WELDON of Pennsylvania, SKELTON, CLYBURN and STUPAK changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR. HOSTETTLER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 218, noes 207, not voting 9, as follows:

[Roll No. 306]

AYES—218

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeFazio
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Ehrlich
Emerson
English
Everett
Fletcher
Fowler
Gallegly
Ganske
Gekas
Gibbons
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Rahall
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOES—207

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Ramstad
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roukema
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Sweeney
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Wilson
Woolsey
Wu

NOT VOTING—9

Campbell
Cook
DeLay
Kuykendall
Rangel
Roybal-Allard
Serrano
Vento
Wynn

2104

Mr. WELLER changed his vote from ''aye'' to ''no.''

Mr. SMITH of Texas and Mr. TAYLOR of North Carolina changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) 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 138, noes 286, not voting 10, as follows:

[Roll No. 307]

AYES—138

Abercrombie
Ackerman
Baldwin
Barrett (WI)
Bass
Becerra
Bereuter
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Bonior
Brady (PA)
Brown (OH)
Bryant
Camp
Capps
Capuano
Carson
Chabot
Clay
Clayton
Conyers
Costello
Coyne
Crowley
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Dooley
Duncan
Engel
English
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (NJ)
Ganske
Goodling
Gutierrez
Hefley
Hilleary
Hilliard
Hinchey
Hoeffel
Holt
Jackson (IL)
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
LaFalce
Lantos
Latham
Lazio
Leach
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (NY)
Markey
McHugh
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Myrick
Nadler
Napolitano
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Phelps
Pomeroy
Porter
Quinn
Rahall
Ramstad
Rivers
Roemer
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Schaffer
Schakowsky
Shays
Slaughter
Smith (NJ)
Stabenow
Stark
Strickland
Stupak
Tancredo
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Whitfield
Wilson
Woolsey

NOES—286

Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Cardin
Castle
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hinojosa
Hobson
Hoekstra
Holden

Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Larson
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntosh
McIntyre
McKeon
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Radanovich
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—10

Campbell
Cook
DeLay
Horn
Kuykendall
Rangel
Roybal-Allard
Serrano
Vento
Wynn

2111

Mr. GEJDENSON and Mr. KLINK changed their vote from ''aye'' to ''no.''

Mr. BERMAN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. HOSTETTLER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 206, noes 219, not voting 9, as follows:

[Roll No. 308]

AYES—206

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeMint
Dickey
Dingell
Doolittle
Dreier
Duncan
Ehrlich
Emerson
English
Everett
Fletcher
Fowler
Gekas
Gibbons
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Ose
Oxley
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Rahall
Reynolds
Riley
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NOES—219

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Woolsey
Wu
Young (FL)

NOT VOTING—9

Campbell
Cook
DeLay
Kuykendall
Rangel
Roybal-Allard
Serrano
Vento
Wynn

2118

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001''.

Mr. MOORE. Mr. Chairman, I rise to express my grave concern with the bill before us today. This bill critically underfunds important national priorities that are too numerous to mention.

Many members of this House have expressed their concern about the federal government's chronic failure to meet its commitment to special needs kids. Yet, this bill provides just $6.6 billion in funding for special education, $514 million over last year's funding but far short of the $16 billion-plus we need to fulfill this longstanding commitment to our most vulnerable children.

Mr. Speaker, I have a school in my district where exposed wires dangle from the ceiling, and rainwater seeps over those wires, but this bill provides no funds to repair collapsing schools. Never mind that more than 200 of my colleagues have heeded the call of their school districts, who are begging for assistance repairing schools.

53.2 million kids—a national enrollment record—started school in 1999 and 2.2 million teachers will be needed in the coming years to teach them what they need to know. The teacher shortage is an imminent national crisis, yet this bill includes no funds to continue the class size reduction initiative that is putting 100,000 new teachers in our schools.

Mr. Chairman, we know that quality early childhood programs for low-income children can increase the likelihood that children will be literate, employed, and educated, and less likely to be school dropouts, dependent on welfare, or arrested for criminal activity. This bill, however, cuts the President's request for Head Start by $600 million, which denies 53,000 low-income children the opportunity to benefit from this comprehensive child development program.

Tragically, our country has become desensitized to school violence accustomed to reports of shootings in schools. School shootings are no longer front page news! Yet, this bill eliminates assistance for elementary school counselors that serve more than 100,000 children in 60 high-need school districts that could intervene and identify troubled kids before they harm themselves, their classmates or their teachers.

Earlier this week, I supported a bill to relieve the estate tax with great reservation I have long been a supporter of responsible estate tax relief that maintains our national commitments—paying down the national debt, protecting Social Security and Medicare, and supporting important domestic priorities such as the ones I have listed here. The leadership of this House, however, gave us one vehicle for estate tax relief, and I supported it with the hope that the Senate and the conference committee will craft a fiscally responsible compromise.

Today, however, I am faced with this bill that turns its back on our nation's number one priority—our kids. The leadership of this House expects a veto of this irresponsible bill. I am voting against this bill today and I ask my colleagues to do the same. We then can return to the drawing board and craft a fiscally responsible bill that reflects our priorities as a nation.

Mr. POMEROY. Mr. Chairman, I rise today to express my support for the increase in funding included in this measure for many veteran's programs. One of my most important duties as a Member of Congress, and one of which I am most proud, is to honor the men and women who have served our Nation in uniform. I remain committed to the interests of our Nation's veterans and their families. I believe that Congress bears a special responsibility to protect those programs which serve our veterans' health and welfare. Our veterans have given so much to our Nation; we can only hope to give them as much in return.

I am pleased, therefore, that this measure includes an increase for veterans' medical care, service-connected compensation benefits and pensions, and readjustment benefits. While there are some shortcomings in the allocations for other veterans' programs, I am confident that my colleagues will address these provisions in conference committee. As the appropriations process moves forward, I will continue to fight for healthy funding levels for all veterans programs.

Unfortunately, while the bill provides important increases in funding for veterans' programs, it falls far short in meeting one of our most basic needs—housing. The bill before us today is $2.5 billion less than the Administration's request for housing and other community development programs. This is unacceptable.

I would like to take a moment to focus on funding for the Community Development Block Grant (CDBG). As many of my colleagues can recall, CDBG funds were used to assist the city of Grand Forks in rebuilding after the devastating flood in 1997. The funds provided the city with needed flexibility to address both urgent and long-term needs. The successful recovery of Grand Forks was due in large part to the assistance from HUD. Under this bill, however, funding for CDBG is cut by $295 million from last year's funding level.

Additionally, the bill does not provide any funding for Round II Empowerment Zones. In my State of North Dakota, the Griggs/Steele Empowerment Zone was designated as such in 1999. At that time, a commitment was made by the Federal Government to assist this area and others in creating jobs and economic opportunity. That commitment, however, goes unfulfilled in this legislation.

Mr. Chairman, at a time of unprecedented economic prosperity, we should not be turning our backs on those who need help the most, the poor and homeless, our Nation's most vulnerable citizens. While I stand in strong support of our Nation's veterans, as a result of these cuts in the housing program, I will be voting against this bill.

Mr. HOLT. Mr. Chairman, I rise today to speak on behalf of the health and safety of our children, our families and our communities. I rise today to call for increased funding for our environment.

H.R. 4635 funds the Environmental Protection Agency at $199 million or nearly ten percent below the Administration's request for basic environmental and public health protection. These programs are considered the backbone of the Agency's work.

A cut of this magnitude would seriously affect EPA's ability to provide American communities with cleaner water, cleaner air, and an improved quality of life.

Toxic air emissions (e.g., benzene, formaldehyde) from industrial plants, cars and trucks will not be reduced. This will expose approximately 80% of the American people to greater risks of developing cancer and other serious health problems (birth defects, reproductive disorders, and damage to the nervous system).

By delaying implementation of new standards for high-risk chemicals such as arsenic, radon, and radionuclides, public health and safety will be jeopardized for 240 million Americans who get their drinking water from public water systems.

Fish kills and hazardous algal blooms in the Nation's rivers, lakes, and estuaries will increase as our ability to develop national criteria to control excessive nutrients (nitrogen and phosphorus) will be significantly delayed.

The reduction in EPA's funding will hinder successful voluntary partnerships with private companies to reduce emissions of greenhouse gases and other air pollutants, such as nitrogen oxides (NO_X).

As a result of this cut, over the next decade 335 million tons of greenhouse gas pollution will unnecessarily be emitted into the atmosphere and 850 thousand tons of nitrogen oxide will be emitted into the atmosphere.

Finally, as we enter the summer, millions of American's visiting beaches will be at increased risk because there will be significant delays in the Agency's ability to monitor and collect adequate information about beach contamination.

I urge my colleagues to protect their communities and reject this anti-environment bill.

Mr. UDALL of Colorado. Mr. Chairman, the Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Bill simply does not do enough. The Majority has delivered a bill that shortchanges valuable programs. Not only is the core bill itself underfunded, but today's amendment process has forced Members to vote on amendments that simply shift already-limited resources from one important program to another. This ''robbing Peter to pay Paul'' approach doesn't satisfy the real needs of these programs or the needs of the citizens of this country.

This bill does not make adequate strides to ensure that affordable housing can be a reality in our country and the dream of first-time homeownership is attainable. This bill fails to fund the Administration's request for 120,000 incremental rental assistance vouchers, including 10,000 vouchers for housing production of the first new affordable housing for families since 1996.

The bill slashes HUD's Community Development Block Grant (CDBG) program by $395 million from the President's request. This cut in funding restricts communities' abilities to redevelop downtown areas, open after-school recreation programs, and shelter the homeless.

In recent weeks, President Clinton and Speaker HASTERT announced that they had reached a bipartisan agreement on the New Markets and Community Renewal legislative initiative. This agreement would increase funding for ''brownfields'' redevelopment and for housing and economic development in rural communities, key provisions of the New Markets Initiative. But the bill before us today doesn't adhere to the spirit or the letter of this agreement. I am troubled by the Republican Majority's decision to cut many of the elements of this rare bipartisan agreement reached by the President and the Speaker.

The bill falls also far short of providing the level of funding needed for the Environmental Protection Agency's basic environmental, public health, and other programs. I am particularly concerned about the bill's cuts to EPA's Climate Change Technology Initiative, which is made up of voluntary programs designed to mitigate global climate change, improve energy efficiency, reduce our dependence on foreign oil, and save consumers money. In addition, the bill still includes language that unduly limits EPA's activities relative to climate change.

In the realm of science, this bill will jeopardize our investment in the future by cutting NSF funding for science and engineering research and education by over $500 million, or 11% below the requested level. This reduction will seriously undermine priority investments in cutting-edge research, and eliminate funding for almost 18,000 researchers and science and mathematics educators—so many of whom live and work in my district in Colorado.

The bill before us also leaves NASA programs $322 million below the budget request. It eliminates almost all of the funding for the

Small Aircraft Transportation System and the Aviation Capacity programs, both of which are intended to make use of NASA's technological capabilities to reduce air traffic congestion. It eliminates all of the funding for NASA's Space Launch Initiative, a program to help maintain American leadership in space transportation. And it eliminates all the money for NASA's effort to better forecast ''solar storms'' that, if undetected, can damage the nation's communications and national security satellites. This ''Living with a Star'' program is especially important to the University of Colorado at Boulder and federal laboratories in my district.

Investing in NASA is a wise decision. The advancement of science and space should concern us all. Yet this bill doesn't fund science and space programs at levels that would indicate this concern. On the countrary—many Members were forced to seek offsets in NASA programs in order to increase funding for other worthwhile programs. For example, cutting funds for the International Space Station—a traditional target for offsets—makes even less sense this year, as we're finally in a position to reap the return on our past investments in that program. NASA estimates that the U.S. portion of the Space Station development program is over 90 percent complete. The first segments of the Space Station are already in orbit and operational, and additional elements of the Space Station are awaiting launch from Cape Kennedy. Under the current schedule, crews will start the permanent occupation of the Space Station this fall, and the U.S. Laboratory will be fully functional early next year.

Members who would cut Space Station funding argue that this funding should be redirected to all of the other underfunded accounts in this bill. Their argument is borne out of the justifiable frustration with the Majority's Budget Resolution, which set unrealistic—and ultimately untenable—caps on the various appropriations accounts. The solution is not to ask Members to make false choices among programs—it is to seek to increase the overall allocation for the VA–HUD-Independent agencies subcommittee so that all of the worthwhile activities can be funded at reasonable levels.

Mr. Chairman, the overall funding shortfall is the key problem with this bill, and I cannot support it in its current form.

Mr. WU. Mr. Chairman, I rise in opposition to the VA/HUD Appropriations bill for Fiscal Year 2001.

The bill cuts the President's proposed $675 million increase in the NSF budget by $508 million. This will jeopardize the Nation's investment in the future. The bill undermines priority investments in advanced technologies, including information technology, nanotechnology and geosciences.

Earlier this year, the House passed a bi-partisan bill, H.R. 2086, the Networking and Information Technology Research and Development Act, which calls for major increases in Information Technology research and development, with a large portion of the increase designated to the NSF. This bill will significantly reduce funding for the Information Technology R&D program.

Approximately 81 percent ($2,149.9 million) of NSF's FY 1999 funding in research and development budget was awarded to U.S. colleges and universities. Many of the higher education institutions in my District such as Portland State University, Oregon Graduate Institute, and Oregon Health Sciences University, rely on these grants for cutting edge research. For instance, these three institutions have joined with the University of Washington in receiving NSF funding to create a high-speed metropolitan network to connect the universities for collaborative medical science, engineering and technology research.

I represent the Silicon Forest. As I meet with high-tech employers and workers in my district, I hear concerns that there aren't enough skilled workers. Employers look to the H–1B visa program as an important safety valve to hire trained high-tech workers. However, the H–1B visa program is capped, and these caps are reached very quickly—it is estimated that the total in FY 2000 (115,000) will be reached in March of this year. Employers are now urging Congress to raise the visa cap.

We need to do much more than just raise the visa cap on a temporary emergency basis each year. We need to address the issue of training American students. The bill we are considering today does not help to achieve this goal. It slows down our efforts to train the next-generation of scientists and engineers, and prepare more Americans for high-tech, high-wage jobs. The cuts in the bill include a 21 percent or over $30 million below the request for undergraduate education—including nearly 50 percent cut in requested funding for the National Science, Math, Engineering, and Technology Education Digital Library.

We must do more for the future of science and our future scientists, because in doing so, we provide for the future of America.

Mr. SHAYS. Mr. Chairman, I recognize the budgetary constraints under which Chairman WALSH is working, and commend him for doing an admirable job under difficult circumstances. I am, however, deeply concerned about several programs reduced or eliminated in this bill.

This legislation fails to fund EPA's Office of Long Island Sound Programs. On May 9, the House voted 391 to 29 to reauthorize the program at an $80 million level.

Over the past decade, the Long Island Sound Office has been an essential partner with Connecticut and New York. Together we have made enormous progress in the cleanup of Long Island Sound. But, we still have much work to do and many challenges to face. It is critical the Long Island Sound Office funding be restored and increased significantly so we may succeed in cleaning up, preserving and protecting Long Island Sound for future generations.

This bill also eliminates additional Federal Emergency Management Agency (FEMA) funding for disaster relief—providing only $300 million, a decrease of $2.4 billion from FY 00.

It is fiscally irresponsible for this House to neglect to appropriate money for disaster relief. Natural disasters cannot be prevented, and the federal government has a responsibility to assist communities respond to emergencies. Relying on emergency spending appropriations bills to respond to inevitable disasters is simply not good budgeting.

It is my hope the Conference Committee will work to restore FEMA funds and permit the agency to adequately prepare for natural disasters in a timely manner and fulfill its responsibility to those whose lives are affected.

I plan to vote for final passage of this legislation because I want to keep the process moving forward, but I would like to make clear I will not vote for a Conference Report that fails to restore the Office of Long Island Sound Programs.

Mr. HOEFFEL. Mr. Chairman, I rise in opposition to the HUD/VA appropriations bill. I am opposed to cuts in the HUD budget, especially with regard to the Community Development Block Grant Program, which is cut by about $300 million from last year's level, and the HOME investment program.

The Community Development Fund provides funding to state and local governments, and to other entities that carry out community and economic development activities. The HOME investment partnerships program provides grants to states and units of local government through formula allocation for the purpose of expanding the supply of affordable housing. As a former Montgomery County Commissioner, I know how heavily local communities rely on these funds.

These cuts block efforts by our communities to create desperately needed affordable housing and jobs and curtail efforts to expand home ownership and revitalize our poorest communities. These programs are a key incentive to development in my community in Montgomery County, Pennsylvania. According to local officials who have contacted me about these critical programs, these reductions mean that much needed development work may be delayed or canceled.

Other objectionable provisions in this bill include the anti-environmental riders, no new funding for additional Section 8 vouchers, and no funding for the President's National Service program. Overall spending for the bill is more than $2 billion below the President's request.

I will vote against this legislation in the hope that the conference committee will improve on the work of the House.

Mr. BLUMENAUER. Mr. Chairman, the United States is facing an affordable housing crisis. While the American dream has always included homeownership, the price of the average home has surpassed the financial reach of many Americans, with housing values even outpacing the national inflation rate. This VA–HUD bill disregards the current state of critical housing needs that our nation is experiencing.

Despite an unprecedented era of national economic prosperity, the gap between available, affordable housing and accessibility for both homeowners and renters is widening. Families who have worst-case housing needs as defined by HUD are those who receive no government housing assistance, have incomes less than 50 percent of local area family income, and pay more than half their income for rent or mortgage and utilities. Based on this criteria, the number of families faced with worst-case housing needs has reached an all-time high of 5.4 million families, an increase of 12 percent since 1991. This constitutes a staggering figure—it means that one out of every seven American families is experiencing a critical housing situation.

In the past, the United States maintained a housing surplus. In 1970, a market of 6.5 million low-cost rental units was available for 6.2 million low-income renters. By 1995, the surplus disappeared and 10.5 million low-income renters had to vie for 6.1 million available low-cost rental units on the market.

This housing crisis is not just an inner-city problem. In the suburbs throughout the last decade, we saw a decline in the number of

units affordable to low-income families. Today, over one-third of households facing worst-case needs are in the suburbs.

Affordable housing is an essential component of a livable community. Communities that support residents of varying income levels and choices for housing are sustainable. These communities support a diverse body of workers, both service-oriented and professional, that responds to the employment needs of the local economy.

This bill before us cuts $303,000 funding for my district from the Administration's request level. The reductions are in a number of HUD programs—among them Community Development Block Grants, Homeless Assistance, public housing operating subsidies, and Housing Opportunities for People with AIDS.

Last year, the House passed H.R. 202, ''Preserving Affordable Housing for Seniors in the 21st Century'' by a margin of 405–5. It included provisions that would have meant additional funding for service coordinators, assisted living, congregate housing services, and capital improvements. No funding for this legislation was included in this appropriations bill. This means the needs will go unmet for services that will enable many of our seniors to age in place rather than face homelessness or premature institutionalization. And the Housing Authority of Portland tells me that without this funding, it will find it extremely difficult to meet its needs for basic repairs such as roofs, sprinklers and heating and cooling systems.

Section 8 is the federal government's primary mechanism for meeting the housing needs of low-income households. One strength of this program is that it allows the recipient a choice of which community in which to live. This approach is different from public housing in that it disperses recipients into economically diverse communities and avoids the undesirable social effects of clustering of low-income residents. Funding for the Section 8 program needs to be strengthened. Not a single additional person is given Section 8 assistance with this bill; the ''increases'' proponents claim are merely budget gimmicks.

The budget for low-income affordable housing programs, particularly Section 8 vouchers and Public Housing, needs to be increased. Housing authority waiting lists are longer than at any time in the past. Approximately 25,000 households in Oregon are waiting for housing assistance. These people are elderly, disabled, or single parents with children.

So I ask my colleagues to consider these items as we each return tonight to the comfort of our homes. Think of the Americans who are honest and hard-working, yet still are having difficulty providing adequate shelter for their families. Help make the American dream obtainable for them. We need to increase funding for federal housing programs.

The CHAIRMAN. Are there further amendments?

There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. PEASE, 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. 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, pursuant to House Resolution 525, he reported the bill back to the House with sundry amendments 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 adopted by the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were 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.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote on final passage of House Joint Resolution 90 immediately hereafter will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 256, nays 169, not voting 9, as follows:

[Roll No. 309]

YEAS—256

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Evans
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—169

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Reyes
Rivers
Rodriguez
Roemer
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Sherman
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Woolsey
Wu

NOT VOTING—9

Campbell
Cook
DeLay
Kuykendall
Rangel
Roybal-Allard
Serrano
Vento
Wynn

2136

Mr. INSLEE and Mr. DOOLEY of California changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of the passage of the joint resolution, H.J. Res. 90, on which further proceedings were postponed earlier today.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 56, nays 363, answered ''present'' 3, not voting 12, as follows:

[Roll No. 310]

YEAS—56

Abercrombie	Hall (TX)	Peterson (MN)
Aderholt	Hilleary	Pombo
Baldwin	Hostettler	Rohrabacher
Barr	Hunter	Sanders
Bartlett	Istook	Scarborough
Bilirakis	Jackson (IL)	Schaffer
Bonior	Jones (NC)	Sensenbrenner
Brown (OH)	Kaptur	Smith (NJ)
Burton	Kennedy	Strickland
Chenoweth-Hage	Kucinich	Stupak
Coburn	Lipinski	Tancredo
Deal	McKinney	Taylor (MS)
DeFazio	Metcalf	Taylor (NC)
Doolittle	Mink	Traficant
Duncan	Ney	Wamp
Everett	Norwood	Waters
Gibbons	Oberstar	Weldon (FL)
Goode	Obey	Young (AK)
Goodling	Paul	

NAYS—363

Ackerman	Bono	Cox
Allen	Borski	Coyne
Andrews	Boswell	Cramer
Archer	Boucher	Crane
Armey	Boyd	Crowley
Baca	Brady (PA)	Cubin
Bachus	Brady (TX)	Cummings
Baird	Brown (FL)	Cunningham
Baker	Bryant	Danner
Baldacci	Burr	Davis (FL)
Ballenger	Buyer	Davis (IL)
Barcia	Callahan	Davis (VA)
Barrett (NE)	Calvert	DeGette
Barrett (WI)	Camp	Delahunt
Barton	Canady	DeLauro
Bass	Cannon	DeMint
Bateman	Capps	Deutsch
Becerra	Capuano	Diaz-Balart
Bentsen	Cardin	Dickey
Bereuter	Castle	Dicks
Berkley	Chabot	Dingell
Berman	Chambliss	Dixon
Berry	Clay	Doggett
Biggert	Clayton	Dooley
Bilbray	Clement	Doyle
Bishop	Clyburn	Dreier
Blagojevich	Coble	Dunn
Bliley	Collins	Edwards
Blumenauer	Combest	Ehlers
Blunt	Condit	Ehrlich
Boehlert	Conyers	Emerson
Boehner	Cooksey	Engel
Bonilla	Costello	English
Eshoo	LaTourette	Rodriguez
Etheridge	Lazio	Roemer
Evans	Leach	Rogan
Ewing	Lee	Rogers
Farr	Levin	Ros-Lehtinen
Fattah	Lewis (CA)	Rothman
Filner	Lewis (GA)	Roukema
Fletcher	Lewis (KY)	Royce
Foley	Linder	Rush
Forbes	LoBiondo	Ryan (WI)
Ford	Lofgren	Ryun (KS)
Fossella	Lowey	Sabo
Fowler	Lucas (KY)	Salmon
Frank (MA)	Lucas (OK)	Sanchez
Franks (NJ)	Luther	Sandlin
Frelinghuysen	Maloney (CT)	Sanford
Frost	Maloney (NY)	Sawyer
Gallegly	Manzullo	Saxton
Ganske	Markey	Schakowsky
Gejdenson	Martinez	Scott
Gekas	Mascara	Sessions
Gephardt	Matsui	Shadegg
Gilchrest	McCarthy (MO)	Shaw
Gillmor	McCarthy (NY)	Shays
Gilman	McCollum	Sherman
Gonzalez	McCrery	Sherwood
Goodlatte	McDermott	Shimkus
Gordon	McGovern	Shows
Goss	McHugh	Simpson
Graham	McInnis	Sisisky
Granger	McIntyre	Skeen
Green (TX)	McKeon	Skelton
Green (WI)	McNulty	Slaughter
Greenwood	Meehan	Smith (MI)
Gutierrez	Meek (FL)	Smith (TX)
Gutknecht	Meeks (NY)	Smith (WA)
Hall (OH)	Menendez	Snyder
Hansen	Mica	Souder
Hastings (FL)	Millender-McDonald	Spence
Hastings (WA)	Miller (FL)	Spratt
Hayes	Miller, Gary	Stabenow
Hayworth	Miller, George	Stark
Hefley	Minge	Stearns
Herger	Moakley	Stenholm
Hill (IN)	Mollohan	Stump
Hill (MT)	Moore	Sununu
Hilliard	Moran (KS)	Sweeney
Hinojosa	Moran (VA)	Talent
Hobson	Morella	Tanner
Hoeffel	Murtha	Tauscher
Hoekstra	Myrick	Tauzin
Holden	Nadler	Terry
Holt	Napolitano	Thomas
Hooley	Neal	Thompson (CA)
Horn	Nethercutt	Thompson (MS)
Houghton	Northup	Thornberry
Hoyer	Nussle	Thune
Hulshof	Olver	Thurman
Hutchinson	Ortiz	Tiahrt
Hyde	Ose	Tierney
Inslee	Owens	Toomey
Isakson	Oxley	Towns
Jackson-Lee (TX)	Packard	Turner
Jenkins	Pallone	Udall (CO)
John	Pascrell	Udall (NM)
Johnson (CT)	Pastor	Upton
Johnson, E. B.	Payne	Velazquez
Johnson, Sam	Pease	Visclosky
Jones (OH)	Pelosi	Vitter
Kanjorski	Peterson (PA)	Walden
Kasich	Petri	Walsh
Kelly	Phelps	Watkins
Kildee	Pickering	Watt (NC)
Kilpatrick	Pickett	Watts (OK)
Kind (WI)	Pitts	Waxman
King (NY)	Pomeroy	Weiner
Kingston	Porter	Weldon (PA)
Kleczka	Portman	Weller
Klink	Price (NC)	Wexler
Knollenberg	Pryce (OH)	Weygand
Kolbe	Quinn	Whitfield
LaFalce	Radanovich	Wicker
LaHood	Rahall	Wilson
Lampson	Ramstad	Wise
Lantos	Regula	Wolf
Largent	Reyes	Woolsey
Larson	Reynolds	Wu
Latham	Riley	Young (FL)

ANSWERED ''PRESENT''—3

Carson	Hinchey	Rivers

NOT VOTING—12

Campbell	Kuykendall	Serrano
Cook	McIntosh	Shuster
DeLay	Rangel	Vento
Jefferson	Roybal-Allard	Wynn

2144

Mr. RADANOVICH and Mr. OWENS changed their vote from ''yea'' to ''nay.''

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KUYKENDALL. Mr. Speaker, I was unavoidably detained attending my son's high school graduation and missed rollcall votes 303–310. If I had been here, I would have voted in the following manner:

Rollcall 303: No (delaying implementation of Department of Veterans' Affairs VERA system).

Rollcall 304: No (striking prohibition against dredging until National Academy of Sciences study complete).

Rollcall 305: No (prohibiting designation of ozone non-attainment areas).

Rollcall 306: No (prohibiting administration of Communities for Safer Guns Coalition).

Rollcall 307: No (shifting funding from space station program to increase the number of new low income housing vouchers).

Rollcall 308: No (prohibiting Department of Housing and Urban Affairs from implementing settlement agreement with Smith and Wesson).

Rollcall 309: Yes (final passage).

Rollcall 310: No (withdrawal from World Trade Organization).

PERSONAL EXPLANATION

Mr. FILNER. Mr. Speaker, last Thursday, June 16, 2000, in order to fulfill official commitments in my district on Friday, I took the last plane from Washington to my California district. I missed the following record votes and would like to place in the RECORD my position on these issues: Rollcall number 285, present; rollcall number 286, yes; rollcall number 287, yes; rollcall number 288, no; rollcall number 289, no; rollcall number 290, yes; and rollcall number 291, no.

PRAYER AT FOOTBALL GAMES

(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, the Supreme Court begins every session every day with a prayer that goes something like this, ''God save the United States and this honorable court.'' This Congress, every Congress begins every session every day with a prayer by a chaplain paid with tax dollars.

The First Amendment to the Constitution prohibits the Federal government from creating any law prohibiting the free exercise of religion, yet the Supreme Court ruled on Monday that students may not give voluntary prayers before football games even if students vote to do so.

In issuing this football prayer decision, the Supreme Court fumbled. They fumbled before. There is nothing sacrosanct about the Supreme Court decision. They reversed themselves over 100 times in our Nation's history.

They fumbled in 1857 when they said Dred Scott was not a person because of the color of his skin. The Supreme Court fumbled Monday when it ruled against free voluntary speech. Rather than preserving our rights, the court eroded them, and they ensured years of costly litigation for lawyers.

But I hope, yes I pray, if I am allowed to do so, that one day this decision will be overturned also.

MEDICARE RX MEETS INDIVIDUAL NEEDS

(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, there are almost 40 million Medicare beneficiaries in the United States, and I can say with confidence that no two beneficiaries are just alike. So why would this administration want to create a one-size-fits-all Medicare prescription drug program?

Our seniors should not be forced into a big government Washington-based drug benefit program, a program run by Washington bureaucrats that do not know the difference between Motrin and Resulin. Our seniors and disabled Americans deserve and want a better plan.

The House bipartisan prescription drug benefit plan will provide an affordable, available, and voluntary drug benefit program allowing each Medicare beneficiary to choose which program best serves their individual needs.

Mr. Speaker, the American people cannot afford the $100 billion Clinton-Gore cookie cutter prescription drug plan scheme, whatever you call it, which thoughtlessly neglects individual health care needs of our seniors.

GARY GRAHAM

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

Mr. RUSH. Mr. Speaker, today, I rise to speak out against murder. In the past few weeks, there has been a ground swell of support for Gary Graham, a man placed on death row in Texas at the age of 17.

This case and others have drawn public attention to the death penalty in this country and especially in Texas where Governor Bush says that he is confident that each of the 134 people killed under his watch were guilty. But we must be mindful that confidence of one man or 1,000 men cannot right a wrong.

In a case where a man will die because of suspect eye witness testimony, Governor Bush's confidence is not enough. In a case where already two witnesses who said the man was not the killer, Governor Bush's confidence is not a enough. In a case where those two witnesses were not even called to the stand by the defense to testify, Governor Bush's confidence is not enough. Mr. Speaker, in a case where the gun found at the arrest was not the gun used to kill the murder victim, Governor Bush's confidence is not enough.

I urge Governor Bush to remember that simply saying that one is confident is not enough to right a wrong.

GARY GRAHAM

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

Ms. MCKINNEY. Mr. Speaker, in the Bible, justice rolls down like water and righteousness like a mighty stream. But in Texas, it is just a trickle.

Is it not ironic that, in the State of Texas, a juvenile is tried as an adult, but in Connecticut, an adult is tried as a juvenile?

Texas has executed more juvenile offenders than any other State in America. Another 26 juvenile offenders now sit on Texas' death row.

George Bush boasts of his international experience. Well, his death row experience has put Texas right in line with Iran, Nigeria, Pakistan, Saudi Arabia and Democrat Republic of Congo as executionists of juvenile offenders.

A Federal court has already stated that there is significant evidence to support Gary Graham's claim of innocence.

Why not let the Texas Board of Pardons and Paroles review the new evidence?

Should George Bush kill Gary Graham? He could very well be killing an innocent man. Or does George Bush want to follow in the footsteps of his ''Willie Horton'' father to win brownie points in a close election?

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

(Mr. RUSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. ADERHOLT) is recognized for 5 minutes.

(Mr. ADERHOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RESPONSIBILITY OF HIGH GAS PRICES FALLS WITH THE WHITE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, many Americans are becoming very upset about the great and tremendous rise in gas prices around the country, and certainly they should be upset about this. Let me just point out a few things though.

The price of gas could be and should be much, much lower than it is; but in 1995, the President vetoed legislation passed by this Congress that would have allowed oil production in less than 3,000 acres of the 19.8 million acre Arctic National Wildlife Refuge.

I represent a big part of the great Smoky Mountains National Park, which is by far the most heavily visited national park in the country. Ten million visitors come there each year, and they think it is huge and beautiful, and it is. It is only about 600,000 acres in size.

This Arctic National Wildlife Refuge is 35 times the size of the Great Smokey Mountains, 19.8 million acres. Of that 19.8 million acres, 1.5 million acres is a flat brown tundra without a tree or bush or anything growing on it. It is called the coastal plain of Alaska.

The U.S. Geologic Survey says, if we drill for oil on less than 3,000 acres of that 1.5 million acre coastal plain, that there is potentially 16 billion barrels of oil there, which is 30 years of Saudi oil, yet the President vetoed that even though it can be done in an environmentally safe way.

We started years ago drilling for oil at Prudhoe Bay. The environmental extremists opposed that at that time saying it would wipe out the caribou herd. There were about 6,000 caribou at that time. Now there is over 20,000. It has been a great thing for this country.

We are far too dependent on foreign oil. Over half of our oil has to come from foreign countries now. Yet the President vetoed this which would have allowed us to get potentially 16 billion

barrels of oil. In addition to that, he signed an order putting 80 percent of that Continental Shelf off limits for oil exploration and drilling. That is billions more barrels.

The price of gasoline could be much, much lower. If the American people like high gas prices, they should write the White House and thank them, because that is where the responsibility or that is where the fault lies for the high gas prices that we have in this country today.

I know there are some people who want higher prices. I know some of the environmental extremists want the gas price to go to $3 or $4 a gallon because then people would drive less and there would be less pollution. Some people really believe that would be a good thing.

But I can tell my colleagues it would put the final nail in the coffin of the small towns and rural areas if we let these gas pries go to those kinds of levels.

Some people say, well, that is what they are paying over in Europe. But the Europeans and all the others pay the same oil prices that we do, they just add all kinds of taxes.

So we should drill and explore for much more oil in this country, try and become much less dependent on foreign oil, and we could easily bring down the price of gas in this country. But this administration will not do it because they are too controlled by these environmental extremists who almost always are real wealthy people, so they are not hurt by high gas prices as much as the poor and lower income and the working people of this country.

SUPREME COURT DECISION ON SCHOOL PRAYER

Mr. DUNCAN. Mr. Speaker, let me mention one other unrelated thing that the gentleman from Pennsylvania (Mr. PITTS) got into, and that is the Supreme Court decision on school prayer that was issued a couple of days ago.

In 1952, the U.S. Supreme Court in the case of Zorach v. Clauson said there is ''no constitutional requirement which makes it necessary for government to be hostile to religion and throw its weight against efforts to widen the effective scope of religious influence.''

I remember, about 3 years ago, William Raspberry, the great columnist for the Washington Post, wrote a column, and he asked a question. He said, ''Is it not just possible that antireligious bias masquerading as religious neutrality has cost us far more than we have been willing to admit?''

2200

And that is a good question, tonight, Mr. Speaker. Is it not just possible that anti-religious bias, masquerading as religious neutrality, has cost us far more than we have been willing to acknowledge?

The gentleman from Pennsylvania (Mr. PITTS) pointed out this Congress opens every session with prayer, and yet we will not allow this to be done at school events. There was a very poor decision by the Supreme Court a couple of days ago, and I think our Founding Fathers would be shocked if they knew the extent to which people are going to in this country to keep people from saying voluntary prayers.

PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. TOOMEY). Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. This week I will read a letter from Crystal Pearl Beaudry of Marquette, Michigan.

Text of the letter: ''Mrs. STABENOW, We are an elderly couple—78 and 76 years ''young,'' and we sure do complain about the costs of [prescription] drugs.

Our pension is only $1,200 [per month] and [by] the time we pay [for] our rent and food, eye glasses and dental work, ect., then try to pay for our drugs—which rise every time we need a refill—there is not much left!

It seem that every time we have a doctor appointment, they either add a new prescription or change it . . .

Also, at [my husband's] place of employment, if you retired before the age of 62, you lost $200 a month. He was ''laid off'' at 61 and a half. So again, we lost more income. It doesn't seem fair for the elderly! We have worked all of our lives and end up this way and this is our beloved U.S.A.?

Below is a list of drugs:

[price is per month]

Novasac	$37.99
Prilosec	106.00
Allegra	33.29
Nitro	7.00
Premarin	22.97
Toprol	33.29
Indur	43.94
Mysoloq	18.99
Premarin Cream	40.99
Lipitor	49.99
Synlar	9.14
Aclovate	15.89
Total cost	419.48

Plus—coated aspirin—Vitamin C, Vitamin E, calcium pills, multivitamins, etc.

We hope that you can succeed in your campaign. Sincerely, Crystal Pearl Beaudry.

Seniors want and deserve a voluntary Medicare prescription drug benefit that is genuinely available to any senior who wants or needs it. That is why I will continue to read a letter from Michigan seniors until the House enacts real prescription drug legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

(Mr. HUNTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LACK OF SECURITY OF NUCLEAR SECRETS AT LOS ALAMOS MUST BE ADDRESSED BY CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to address something that has been in the paper a pretty good bit lately, the Los Alamos nuclear secrets that have apparently been missing. The reason I want to do this, Mr. Speaker, is because I am very concerned about it, and I just want to sort of retrace the steps.

If my colleagues will remember, during the Clinton administration it became apparent that this gentleman named Wen Ho Lee was stealing secrets, very important nuclear secrets from the Los Alamos lab. Because of a number of, I would say, bureaucratic hesitations, he was not investigated for a long time. They finally did investigate him and they found out that, I think he had over a thousand illegal entries on his computer. At that time Congress, in a bipartisan fashion, moved together to try to give the Department of Energy the resources that they need to improve security at Los Alamos.

Well, after a long exercise and a lot more funds had been expended, 1 year ago, on May 26, 1999, the Secretary of Energy made this statement to the United States: ''I can assure the American people that their nuclear secrets are now safe.'' A very explicit thing, and it was the right thing for the head person to be saying. And we have felt like, okay, we went through this very bad period, but we have addressed it.

Now we find out that two computer disks, which contained information on how to disarm nuclear bombs and how to build nuclear bombs, were last seen back in January. Now, that was verified April 7. Then on May 7 it was apparent that they were missing. So we go from this period of maybe January, maybe April to May 7 finding out that these two vital computer disks on very, very sensitive nuclear secrets are missing. But the Secretary of Energy was not informed for 24 more days. As I understand it, he is supposed to be notified within 8 hours. He was not told from the period of May 7 until June 1, and yet nobody has been fired because of that. There is no protocol.

Apparently, it is easier to get nuclear secrets than it is to take a tape out of Blockbuster Video. If my colleagues do not believe me, I challenge them, I challenge anybody within the sound of my voice, to go to Blockbuster Video, there is one in everyone's neighborhood, to see if they can get a tape out. I am certain they will not be able to. Yet our sensitive nuclear secrets, I understand from a hearing, are left unattended for as long as 2 hours a day while the attendant in this vault goes to lunch.

Now, if my colleagues feel comfortable with Barney Fife guarding our

nuclear secrets, then this is a great system. But if other Members are like me and the majority of Americans, then they are very, very concerned. What are we thinking? How do we lose nuclear secrets? They show up magically behind a Xerox machine, a Xerox machine that has already been searched twice? And everybody is supposed to feel good about the fact that they did not leave the building?

Maybe there was not espionage. We do not know that yet. But what we do know is there is total incompetence, and we as Congress cannot have much confidence in the way our nuclear secrets are being guarded. I think it is incumbent on this Congress to put pressure on the Department of Energy and the Secretary of Energy to make some very, very drastic changes to get this addressed, because we simply cannot misplace nuclear secrets.

Just think about the time frame: from as long as April 7 to May 7 they were unaccounted for; and then from May 7 to June 1 no one even told the Secretary of Energy they were gone. Yet not one person has been fired because of that. This is an outrage. This is scary.

This is not partisan rhetoric. I am glad to say a number of Democrats, including the ranking member of the committee, the gentleman from Missouri (Mr. SKELTON), has said the Keystone Kops are guarding our nuclear secrets. The gentleman from Michigan (Mr. DINGELL) has passed a letter which has been signed by 50 Democrats saying fire the University of California, who is involved in the security of that. I probably would have signed that letter, given the opportunity.

So I am glad to see that this is not getting trapped into some situation where it is Republican versus Democrats, because when it comes to the security of the United States of America, it does not matter what party we are a member of; it only matters that our shores are secure and safe. So I just wanted to bring that up, Mr. Speaker.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

(Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ON USEC DECISION TO CLOSE PORTSMOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, a very sad and tragic thing happened today, and I think the American people need to know about it. But before I explain that in detail, I would like to give a little history regarding this occurrence.

From the mid-1950s, there have been two facilities in this country that have produced enriched uranium, first of all for our nuclear arsenal and, more recently, for fuel for our nuclear power plants. Approximately 23 percent of our Nation's electricity is generated through nuclear power, and most of the fuel that generates that electricity is produced in these two domestic plants.

A couple of years ago, this Congress and the administration unwisely decided to privatize this vital industry. At the time of privatization, the private company was obligated to continue to operate these two facilities through the year 2004. Today, this privatized company and their irresponsible and parasitic leadership and their board of directors decided to close one of those two facilities. I would like to share with my colleagues why that is so unwise and so unacceptable.

We know what happens to our country when we are overly dependent upon foreign sources for energy. We see that in the high gas prices that we are all experiencing today. What will it be when 23 percent of the electricity in this country is dependent upon foreign sources?

To their credit, the Department of Energy sent an emergency letter to the director of the United States Enrichment Corporation and the members of the board of directors today explicitly asking them not to take this action. I would read from the letter from Under Secretary Gary Gensler. He said, ''I am writing to urge you and the other members of the board not to vote to initiate a plant closing at today's board meeting.''

In addition to this letter, Secretary Richardson sent a very strongly worded letter to this CEO and to the members of the board asking that they not proceed. Unbelievably, unbelievably, this industry, which was privatized less than 2 years ago, and has very definite public policy purposes and obligations, decided to thumb their nose at the Department of Treasury and the Department of Energy, the governor of Ohio, multiple Members of this House, and Ohio's two Senators and they proceeded to vote to close this vital facility.

USEC's announcement that it will seek to close this facility is unwise, unwarranted and unacceptable; and I serve notice that I will fight this plant closure with every fiber of my being. The thousands of working families in my part of Ohio who depend on this industry for their livelihood deserve better from this government and from this corporation. For generations these brave men and women have sacrificed for our national security, and now they are being abandoned by a USEC management that is driven more by short-term profit and self- preservation than by common sense.

USEC appears to be dead set on decimating America's ability to produce the fuel that supplies 23 percent of our Nation's electricity. There is a clear solution to this problem, however. I will introduce legislation in this Congress to direct the Federal Government to buy back USEC and to continue operating both the Portsmouth, Ohio, and Paducah, Kentucky, plants.

I am also calling for an Inspector General investigation into this decision and into USEC's privatization. It is becoming more and more apparent that national security, energy security, and thousands of hardworking southern Ohioans are suffering as a result of the decisions of this corporation. I cannot overstate my anger at this decision or my ironclad commitment to protect our workers and to make sure that all responsible parties are held accountable.

Earlier today, after USEC made this announcement, Secretary Richardson responded, and I read from his response. He says, ''I am extremely disappointed by the United States Enrichment Corporation's decision to close the uranium enrichment plant in Portsmouth, Ohio. First and foremost, I am very concerned about the effect of this closure on the workers. They deserve better treatment than they are getting from USEC.''

Mr. Speaker, this is a serious matter. I call it to attention of this House, and I am submitting for the RECORD additional documents relating to this topic.

[News Release from Congressman Ted Strickland, June 21, 2000]

STRICKLAND STATEMENT ON URANIUM PLANT CLOSURE

WASHINGTON, D.C.—USEC's announcement that it will seek to close the Portsmouth Uranium Enrichment Plant is unwise, unwarranted and unacceptable. I will fight this plant closure with every fiber of my being. The thousands of working families in our part of Ohio who depend on this industry for their livelihood deserve much better. For generations these brave, hard-working men and women have sacrificed for our national security. Now they are being abandoned by a USEC management that is driven more by short term profit and self-preservation than by common sense. USEC appears to be dead set on decimating America's ability to produce the fuel that supplies 23 percent of our nation's electricity. There is a clear solution to this problem: I will introduce legislation in Congress to direct the Federal Government to buy back USEC and continue operating both the Portsmouth and Paducah plants. I will also call for an Inspector General investigation into this decision and USEC's privatization. It is becoming more and more apparent that this is simply a case of insider enrichment for USEC's management—enrichment at the expense of national security, energy security and thousands of hard-working southern Ohioans. I cannot overstate my anger at this decision or my ironclad commitment to protect our workers and make sure that all responsible are held accountable.

DEPARTMENT OF THE TREASURY,
Washington, DC, June 21, 2000.

Mr. JAMES R. MELLOR,
Chairman of the Board, USEC, Inc., Bethesda, MD.

Mr. WILLIAM H. TIMBERS,
President and Chief Executive Officer, USEC Inc., Bethesda, MD.

DEAR MESSRS. MELLOR AND TIMBERS: I have received Mr. Timbers' letter dated Friday, June 16, 2000, in which he wrote to inform Treasury that the Board of Directors, of

USEC Inc. ''must contemplate the termination of enrichment operations at one plant'' and that the next meeting of the Board is scheduled for today.

I am writing to urge that you and the other members of the Board vote not to initiate a plant closing at today's Board meeting. It is deeply disturbing that the USEC Board is even considering the precipitous step of initiating a plant closing less than two years after USEC privatization. Before any closing, every possible alternative should be pursued. The Board should give full consideration to the impact of its actions on effected communities and USEC's employees.

Sincerely,

GART GENSLER.

[DOE News, June 21, 2000]

STATEMENT OF SECRETARY BILL RICHARDSON ON USEC DECISION TO CLOSE PORTSMOUTH

''I am extremely disappointed by the United States Enrichment Corporation's (USEC) decision today to close the uranium enrichment plant at Portsmouth. First and foremost, I am very concerned about the effect this closure will have on USEC workers. Many of these men and women spent their entire working lives helping our nation win the Cold War. They deserve better treatment than they are getting from USEC.

''The decision is just the latest in a series of short-sighted decisions aimed at bolstering the corporation's near-term standing on Wall Street. The decision announced today leaves unanswered fundamental questions affecting the employees, the Corporation's future and USEC's ability to carry out important national security obligations to the United States.

''This decision was not inevitable. When USEC was privatized in 1998, it inherited a healthy business with a bright future. A series of decisions by the corporation's present management have weakened the Corporation and the domestic uranium industry and, coupled with a faltering long-term business strategy, have led to this unfortunate outcome that will result in several hundred Ohioans being put out of work.

''We have opposed layoffs from the start. Earlier this year, when USEC announced it would be downsizing at Paducah and Portsmouth, I urged USEC to provide early retirement and other benefits to help these workers, but the company refused. Now they're leaving even more workers up in the air by announcing closure of this plant, without any credible indication of their commitment or ability to deploy a replacement enrichment technology, necessary for long-term viability. The Energy Department has worked hard to increase funding for its cleanup activities at these sites and for workers displaced from USEC's downsizing to move to the cleanup.

''The administration is committed to doing all it can to mitigate the effects of this action on the workers and the community. We will be reviewing all our options in the days ahead and intend to vigorously pursue every possible means to mitigate the impacts of USEC's management failures on the workers at Portsmouth. I will also recommend fundamental changes in the future relationship between the U.S. government and USEC, including serious consideration of replacing USEC as executive agent for the Russia deal.''

THE SECRETARY OF ENERGY,
Washington, DC, June 21, 2000.

Mr. WILLIAM TIMBERS,
Chairman and CEO, United States Enrichment Corporation, Bethesda, MD.

DEAR MR. TIMBERS: I am in receipt of a copy of your response of June 20 to my recent letter concerning the HEU agreement, the impacts of the proposed commercial SWU deal on domestic production, your ability to sustain the Treasury agreement, and USEC's need for a future enrichment technology.

While I have yet to receive a formal reply to my letter, I must assume that the copy I received from the press constitutes your views on these matters. As such, I would like to comment on some of your key points.

The privatization of USEC in July 1998 was premised on USEC's judgment that the HEU Agreement was an asset to USEC, that it would keep two plants open until 2005, and that it would develop a future enrichment technology. USEC was provided many assets to this end. Your letter, in contrast, now reports that you consider the HEU Agreement to be a burden, that you have long contemplated closing a plant, and that you require substantial federal assistance for a different enrichment technology.

I am pleased that you share our views about the national security importance of the HEU Agreement. I am confused, however, by the assertion in your letter that the important nonproliferation objective of the HEU agreement ''. . . has succeeded at the expense of USEC.'' Last December, USEC made a decision to continue as sole executive agent for the Russian HEU agreement. Presumably this reflected your business judgment that continuing on as the executive agent was in the best business interests of your company and USEC stockholders. Actions speak louder than words.

DOE remains concerned about the impacts of the proposed commercial SWU deal on our domestic industry. As you know, the HEU Agreement was put together to balance carefully national security and energy security objectives, a balance that could be upset by the proposed commercial SWU side deal. While DOE supports the effort to move toward a new pricing mechanism with Russia for the HEU Agreement, given the potential impacts, we continue to maintain that the commercial SWU proposal deserves serious and thoughtful review.

Also, I must make clear that we do not agree with your characterization of the commercial SWU proposal as conforming to guidance from the subcommittee of the EOC on commercial SWU levels that affect the domestic industry. Further, we were surprised by your characterization of the domestic impact of the proposed commercial SWU deal as ''modest,'' since USEC recently filed objections to the introduction of even smaller amounts of SWU from another foreign country, based specifically on concerns about its impacts on the domestic market.

In my view, your meeting with me last January in no way provided a justification for early plant closure. In addition to the potential energy security impacts of such an action, I remain deeply concerned about its regional employment and economic impacts. The same management decisions that led you to notify Treasury of USEC's downgraded credit rating, and your lack of follow through on the very commitments that engendered broad support for USEC privatization in the first place, could ultimately mean ongoing efforts on USEC's part to receive open-ended federal assistance without reciprocity on significant public policy concerns.

On the development of enrichment technology, I would note that DOE has never been provided an analysis supporting the discontinuation of AVLIS, in which, as a government-owned corporation, USEC spent several hundred million dollars of public money. DOE is now being asked to start down a new path of public investment but has yet to receive a comprehensive proposal from USEC, let alone a strategic plan on its proposed path forward for centrifuge technology development.

While we do not know how you specifically intend to proceed on technology development, this is what we do know: USEC wants DOE to invest outright $50 million in centrifuge technology development; USEC wants $1.2 billion in federal loan guarantees for building a centrifuge facility; USEC wants use of DOE's GCEP facility (which would save USEC $300 million but cost DOE $150 million), and; USEC wants a gas centrifuge CRADA with DOE (which I note our organizations have been negotiating for at least two months).

USEC's list of ''wants'' from the federal government is a long one and is not backed up by a reasoned plan to justify such a significant investment of the public's money. Surely you must acknowledge that if DOE and other agencies in the federal government are going to invest substantial public funds in a private enterprise, we are owed more than piecemeal requests for federal assistance.

Many of the questions I asked in my original letter to you remain unanswered or were answered as indirectly as the avenue through which I received your response. I hope to receive more enlightening answers to my concerns and ask that the views I expressed in this letter will be shared with your board members immediately.

We look forward to hearing from you.

Yours sincerely,

BILL RICHARDSON.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations printed in House Report 106–683.

Floor action on H.R. 4635, the bill making fiscal year 2001 appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, removed the emergency designation from $300,000,000 in budget authority contained in the House-reported bill. Outlays flowing from the budget authority totaled $13,000,000. Accordingly, the allocations to the House Committee on Appropriations are reduced to $601,180,000,000 in budget authority and $625,735,000,000 in outlays. Budgetary aggregates become $1,529,385,000,000 in budget authority and $1,494,956,000,000 in outlays.

INDIA IS VICTIM OF PAKISTANI-EXPORTED TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, it is with a sense of disappointment and concern that I rise tonight to respond to a misguided initiative that some of my colleagues in this House are involved with. Several Members of Congress have attached their names to a letter to President Clinton that makes some outrageous and false charges about recent events in India. I believe these claims cannot go unchallenged.

The letter repeats the malicious claims that the massacre of 36 Sikh villagers in Chittsinghpora, in the Indian state of Jammu and Kashmir, was the work of Indian security forces. That massacre occurred on March 20, at the beginning of President Clinton's historic trip to India. I had the opportunity to take part in the President's trip, and this tragic and shocking massacre did cast a shadow over the trip. It left a deep sense of sadness among all of us in the American delegation and among all the people of India that we encountered. President Clinton condemned the attack in the strongest terms.

Less than a week after the attack, Indian investigating agencies in Jammu and Kashmir made an arrest in the case, apprehending one Yakub Wagey, a terrorist belonging to the Hizbul-Mujahideen. Mr. Wagey, a resident of Chittsinghpora, revealed that the massacre was the work of a group of 16 to 17 terrorists, including six militants of Hizbul-Mujahideen and 11 to 12 foreign mercenaries owing allegiance to Lashkar-e-Toiba, the LeT. Both of these terrorist organizations are on the long list of terrorist organizations that receive support from Pakistan.

This terrible incident was the first large-scale attack against the Sikh community in Jammu and Kashmir, but it is consistent with the ongoing terrorist campaign that has claimed the lives of thousands of peaceful civilians in that state. This terrorist campaign has repeatedly and convincingly been linked to elements operating within Pakistan, often with the direct or indirect support of Pakistan's government.

As I discussed in this Chamber earlier this week, the Pakistani-supported terrorist campaign has ethically cleansed Jammu and Kashmir of its indigenous Hindu community, the Kashmiri Pandits.

2215

The terrorists have also sought to clear out members of other Muslim sects or those Muslims who cooperate with the lawful Indian authorities of the state. And now with this incident, the ethic cleansing campaign has turned on the Sikhs.

It is no coincidence that this massacre took place during President Clinton's visit to South Asia. I believe that these terrorist groups and their supporters in Pakistan wanted an incident that would draw attention to the Kashmir issue. Pakistan has been seeking to internationalize this conflict for years. What better time to perpetrate a high-profile atrocity like this then when the President of the United States is in the region with all the attendant diplomatic and media attention that such a visit brings with it.

What makes the claim that India was behind the massacre all the more absurd, I mean this is why it is absurd. At a time when India was before the world stage, what possible motive would there be for such an ugly incident to detract from all the positive publicity India was seeking to generate. It does not make any sense.

Mr. Speaker, this allegation really makes no sense at all when we look at the record of the two South Asian neighbors, India and Pakistan. India is a secular, pluralistic democracy that seeks to promote civil and human rights for all of its many ethnic, linguistic and religious communities. Pakistan is a military dictatorship that has a long record of fomenting instability and violence in Kashmir while denying human and civil rights at home.

One of the motives behind trying to link India to the attack against the Sikh villagers in Kashmir is to try to generate separatist sentiment against India's Sikh community. Indeed, I understand that an organization based here in this country that seeks to promote the Sikh separatist cause has lent its support to the letter circulating on Capitol Hill.

The reality is that, in India's State of Punjab, where the Sikhs constitute a majority, Mr. Prakash Singh Badal, who happens to be a Sikh, has been elected as Chief Minister of the State. The predominantly Sikh Akali Dal Party holds a majority in the State's legislature. The State government has set up the Human Rights Commission whose primary purpose is to investigate claims of human rights abuses by government security forces, just as India has done on the national level.

The democratically-elected Sikh political leaders in Punjab are not buying the claims of Indian Government responsibility for the atrocity that took place in Kashmir this past March.

Mr. Speaker, finally I want to say, India's Democratically-elected leaders will admit that there have been abuses by security forces. There is also violence between various religious and ethnic communities which is not officially condoned. In both cases, India has sought to crack down on these kinds of acts in an honest and effective way that makes it a model among the nations of Asia.

The call by some of my colleagues to declare India a terrorist nation is completely unreasonable. Indeed, following from the President's recent trip, cooperation against terrorism is one of the major areas of U.S.-India bilateral cooperation.

The idea of cutting off aid to India, an approach that has repeatedly been tried and failed here in the House, is even more absurd, seeking to send a message by cutting vital nutrition and health care.

TRIBUTE TO DR. WALTER D. ''WALLY'' WILKERSON

The SPEAKER pro tempore (Mr. TOOMEY). Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Texas. Mr. Speaker, I rise tonight to pay tribute to one of my constituents, a very special man, Dr. Walter Wilkerson, Jr., who, on June 24 of this year, will be stepping down as Chairman of the Texas Board of Health.

Dr. Wilkerson was appointed to the Texas Board on June 7, 1995; and shortly after that, on September 1, Texas Governor George W. Bush named him chairman. We are fortunate in Texas that, although his term as chairman is ending, he will continue to serve on the Board of Health.

As chairman, Dr. Eriksson took on the health care needs of every single Texan, building an awareness that public health is for everyone, every day, and everywhere. He has been a listener who steered his board and agency to consensus on almost every difficult issue that came before it.

Furthermore, under his tenure, the Texas Board of Health has had a strong relationship with the Texas Medical Association, made significant strides in developing a partnership with local health directors and local health policymakers. He has made a significant effort to maintain an open and respectful dialog with the business communities. And all of Dr. Wilkerson's efforts have been designed at building a cooperative environment for the betterment of the health of every Texan.

At the beginning of his tenure on the Board, he retired from private practice in Conroe, Texas, to be joined in 1958 after graduating from the University of Texas Southwestern Medical School in 1955. In 1951, Dr. Wilkerson received his Bachelor of Science degree from Texas A&M University, which I am proud to represent.

While a practicing physician in Conroe, though he sought no honors, Dr. Wilkerson was named Outstanding Citizen of Montgomery County in 1974 and in 1991 was the Texas Family Physician of the Year and named by the Texas Academy of Family Physicians.

Mr. Speaker, Dr. Wilkerson is a man of integrity and dedication; and Texas is a much better place because he agreed to answer the Governor's call and provide us leadership. I am honored to call him my friend.

ENVIRONMENTAL PROTECTION AGENCY IS OUT OF CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise this evening to call attention to the fact

that the Environmental Protection Agency is absolutely out of control. They have adopted a policy of any means is justified by its political ends. They seem absolutely determined to destroy the family farm as we know it today. They have completely abandoned sound science, or any science, for that matter. They pursue the idea that any regulation is a good regulation as long as it causes a lot of chaos and economic disruption.

Earlier this year, EPA attempted to regulate as a point source silviculture in this country. They have pretty well been falled by that effort. But now they are attempting, in a rather secretive way, to try to regulate aquaculture, another very important agricultural pursuit in this country.

They have absolutely no scientific data indicating that there is a problem with pollution with aquaculture industry. After all, these farmers raise fish, they do not want their produce growing in polluted water.

The Environmental Protection Agency, as part of their plan to implement their regulatory process based on the economic success of their producers, they have this form that they are asking our aquaculture producers to fill out. And if they do not fill it out, there will be a penalty and they will be in violation of a Federal law and there is a severe threat.

One of the questions they ask, and they do not ask any questions in this form, not one, about water quality or how they treat your water. What they do ask, Mr. Speaker, is, If this company borrows money to finance capital improvements, such as waste water treatment equipment, what interest rates would they pay? In the event that this company does not borrow money to finance capital improvements, what equity rate would it use? When you finance capital improvements, what is the approximate mix of debt and equity? What are your revenues from aquaculture? The revenue from other agriculture activities that are co-located with aquaculture? What are other farm facility revenues? Do you get Government payments and how much are those Government payments? Is there other non-farm income? What are the total revenues? And the list goes on and on, Mr. Speaker.

This is not a questionnaire to help improve the water quality of this country or the areas where aquaculture is located. This is an attempt to destroy an industry, one more attempt by the Environmental Protection Agency to destroy agriculture in this country as we know it.

It is time for it to stop. Enough is enough.

The Environmental Protection Agency should be the premier scientific agency of this Nation. And yet, it has turned itself into nothing more than a political yardage to pursue perfectly legitimate and harmless industries.

NATIONAL INSTITUTES OF HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, I rise today in support of the federal government's commitment for increased funding for the National Institutes of Health (NIH). My colleagues and I have urged the appropriators since 1998 to double NIH's budget over 5 years. The distinguished gentleman from Illinois, Chairman PORTER has been an avid supporter of these requests and as a result, the budget has seen the appropriate increases each year.

As a member of the Congressional Diabetes Caucus, Alzheimer's Task Force, Biomedical Research Caucus and Working Group on Parkinson's Disease, I have met with countless individuals who ask each year that Congress invest more money into research funding at NIH. And each year I am proud to be able to report back that the House has been able to fulfill this request. More than half of my constituents who visit my office each year, come to discuss research funding and the budget request for NIH. Scientists are confident that with recent dramatic developments in technology over the past decade, that they are on the verge of making significant discoveries for both cures and vaccines for a number of diseases from diabetes and cancer to AIDS and Parkinsons.

With the continued support from this Congress by way of dollars for research, NIH will be able to continue making advances toward the eradication of countless diseases that afflict millions of Americans and countless others around the world. I am pleased to report back to my constituents that this Congress is continuing its support of medical research and I look forward to continue the fight for NIH and its committed scientists and doctors.

CALLING ON GOVERNOR BUSH TO SUSPEND TEXAS EXECUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, today and last week, I sent a letter to Governor Bush asking him to suspend executions in Texas and to form a commission to review the administration of the death penalty.

The moratorium would give the commission time to review the adequacy of both legal representation, the advances in DNA technology, and the possible biases in the capital sentencing process.

The support of the use of the death penalty, in appropriate cases, I support totally. But we must make sure that we impose the capital punishments fairly and without bias. That is basic to our sense of justice.

In light of recent events, I am no longer confident that we in Texas are administering the death penalty with the highest standards of justice in mind. We should not tolerate the possibility of executing an innocent person, especially when we have the means to avoid it.

Recent reports in the media, other reports and studies that have been conducted, have highlighted the mistakes made in capital cases both in Texas and throughout the country and in other States around the country.

As my colleagues well know, concerns with the administration of death penalty and the adequacy of legal representation prompted Governor George Ryan of Illinois to declare a moratorium on executions.

We have asked Governor Bush and I am pleased that Governor Bush recently made a decision to pardon a man wrongly convicted of being sentenced for 99 years in prison. His release came, however, after he had served 16 years and was determined that he had been innocent after DNA studies had been conducted.

With recent efforts to expedite executions and remove many cases for appeal, it is possible that similar convictions in Death Row equally might be innocent. These executions could be postponed so that we would be able to assess those three specific areas that I have mentioned. And that is to make sure that we have had adequate legal representation for these individuals; secondly, to make sure that, with the new technology and with the new advances in forensic technology, the DNA analysis in particular, that we have the best opportunity in our history to rule out or, at least, to have serious doubts, concerns, and possibilities that the defendant or convict in fact committed the specific crime in question.

As we look in terms of the situation where we find ourselves in, I ask the Governor to help out in the process of asking the Board of Pardon and Paroles to seriously look at assessing our process in Texas. And yes, we might have a great operation in San Antonio, but I know that each county and each community operates differently.

I know that a large number of cases in Houston, over 70, that a particular district attorney used to brag about the number of people that he was sentencing into Death Row. Those types of things need to be questioned.

We have had specific situations where psychologists have utilized stereotypes and racial profiling to determine some of those decisions. So those biases need to be looked at very carefully. Not to mention, and I stress the importance of the technology that we have before us, and especially in those cases that there is some sufficient DNA that is available where we can go to reaffirm our decision to make sure that in those cases we will not be making a mistake.

I fully understand the plea of victims for the swift administration of justice, but justice requires that we know for sure that we are applying the ultimate earthly penalty fairly and properly. I am not sure that we are doing this at the present time.

I, therefore, call upon the Governor to help and assist on the Texas Board of Pardon and Paroles to look at a

commission that would look at the process in Texas that is being utilized in each of our communities throughout the State. I would ask that we look in terms of what is actually occurring and that in those capital cases that we make recommendations to make sure we streamline the process.

Again, I would ask that they look in terms of the legal representation that these individuals have received after the indications that have come out; secondly, in the new technology and the DNA; and thirdly, on the possibility of biases.

2230

THE PROBLEM OF HIGH PRESCRIPTION DRUG COSTS

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. TURNER) is recognized for half the remaining time until midnight, approximately 45 minutes, as the designee of the minority leader.

Mr. TURNER. Mr. Speaker, tonight we come to the floor to talk about an issue that many of my Democratic colleagues have been talking about for over 2 years, the problem of high prices of prescription drugs for our senior citizens. We are here on the floor tonight at a very critical time, because at this very moment, in this late hour, the Committee on Ways and Means is meeting and debating the issue of legislation to provide prescription drug coverage for our senior citizens. Tonight I want to spend a little time talking about that debate and the forces that are at work that will determine what kind of prescription drug coverage and what kind of plan this Congress will endorse.

We are here tonight on behalf of our senior citizens, and over the last 2 years I have visited and heard from many of them. I remember very distinctly when we first introduced the Prescription Drug Fairness Act, almost 2 years ago, and I traveled around my district talking about the issue with senior citizens at our local pharmacies, and I met a lady who ended up as a surprise at one of my meetings in Orange, Texas, a lady who was 84 years old and blind, who said she just had heard I was coming to town to talk about my efforts to try to fight the high prices of prescription drugs, and she wanted to come down and thank me.

She was a lovely lady. She spent over half of her $700 Social Security check on her 14 prescription medicines that she had to take every day. She said this, and it is recorded in an article in the Houston Chronicle, November 22, 1998. She said, ''By the time I get through paying for my medicines, I have very little to live off of.''

This lady should not have to face a choice of paying for prescription medications or buying food. She says, ''As long as I get my utilities and bills paid, I do the best I can. What is left, I try to spend on food.''

Well, Ms. Daley, we have been fighting for almost 2 years now to try to help you pay for your prescription drugs, and we are going to find out in just a few hours what the Committee on Ways and Means does to help you. I am hopeful that the outcome will be good, but, based on what I will share with you tonight, I have serious doubts as to whether we can report to Ms. Daley that we have a good bill and a good plan.

One letter I got some months ago was from some constituents of mine by the name of Joe and Billie O'Leary. They live down in Silsbee, Texas. I know Joe. I have talked to him several times at town meetings. His wife Billie wrote me a letter. Joe and Billie spend more than $400 a month for their prescription medications. They wrote me a 3 page letter, and I want to share with you a little bit of what Ms. O'Leary said. It speaks, I think, volumes about the problems that our seniors face.

She wrote, ''Most of the elderly have several ailments that require several prescriptions per month. The best and the latest treatments for some ailments and diseases are priced out of range for many on Medicare. Some treatments are available only for those who can afford it. I have found,'' she says, ''the problem is not that older people want free medicine. They want medicine that is reasonably priced so they can afford to buy it. What good,'' Ms. O'Leary says, ''what good is research and finding cures for diseases if a larger part of our population cannot afford the medicine for the cure?''

She goes on to write, ''The people who are having to pay the high costs are the ones least able to pay. Let's be fair to all,'' she says. ''Please try to cap the price the pharmaceutical companies are allowed to charge. Then we all can afford to pay for our own medicine.''

This is the part that was most moving to me. Ms. O'Leary writes, ''Our generation worked hard. We, through our taxes and efforts, helped to pay for schools, public buildings, highways, bridges, and helped pave the way for those now young. In the prime of our lives we fought in the wars for this country to keep our country free. We believe our country is big enough with our resources to provide reasonable health care and affordable medicine for all.''

Ms. O'Leary, I agree, and I hope that the majority of this Congress will also agree.

The big drug companies have been engaged in a campaign to try to defeat our efforts to lower the price of prescription drugs and to provide some affordable prescription drug coverage. No one can dispute the fact that drugs are too expensive, and I think many of our senior citizens are asking the question, why are prescription drugs so high, and why does the price continue to go up?

One-third of all of our seniors on Medicare cannot afford any prescription drug coverage at all, and another one third has only unreliable, incomplete or very costly coverage. That means there are 15 million of our mothers, fathers, grandparents, neighbors and friends who must go without the prescription drugs they so desperately need, and the costs are continuing to rise.

In 1998 the prices of the 50 most popular prescription drugs among seniors rose by more than four times the rate of inflation. Every time I return to my district in Texas, I hear from seniors who must make the choice that Ms. Daley was talking about, the choice between food and filling their prescriptions. We all hear the stories from seniors who only take half of their daily dosage or seniors who take only every other dose in a sad attempt to try to manage those skyrocketing costs. The problem is particularly bad for seniors who live in rural areas. Rural seniors are 60 percent less likely to get the drugs they need, and, when they do, the drugs are 25 percent more expensive.

Study after study shows that seniors are paying too much for their drugs. In my district and in the district of those who are gathered here tonight to talk about this issue, seniors are paying 80 percent higher than their counterparts in Canada and about 80 percent higher than their counterparts in Mexico pay for the very same prescription medicines.

That means for some commonly used drugs, our senior citizens in our great country are paying as much as $1,000 a more year than their counterparts in Canada and Mexico. And you do not have to go across the border to find lower prices. The big drug companies cut a special deal for the big HMOs and the big hospital chains. In fact, those big HMOs, they are paying about half what our seniors have to pay when they walk in to their local pharmacies.

We did a study in the Committee on government reform that verified these numbers, and we also found out, to our dismay, that even cats and dogs get drugs cheaper than our senior citizens. The same drugs that both humans and animals take cost 150 percent more for humans. That is outrageous.

So why is this? Why are these drug prices out of control? Well, for one thing, the companies that manufacture these prescription medications are making exorbitant profits. The drug industry sets at the top of every single profit category in Fortune Magazine's list of industries for the year. As the chart shows, they earned over $26.2 billion in profits in the year 1998. Prescription drugs are the fastest growing component of our health care costs, and the CEOs of those big drug companies measure their annual salaries in the hundreds of millions of dollars, and their stock options they measure in the billions.

The 12 biggest drug makers paid their top executives over $545 million in 1998, and $2.1 billion in stock options. The drug companies pull in tens of billions

of dollars in profit, and they pay their CEOs hundreds of millions of dollars, and now they are complaining to this Congress that if we lower drug prices, it will cut into research and development.

It is a lie. It is simple greed. The big drug makers are not about to let these profits slip away, and that is why they are spending billions of dollars on marketing and lobbying in this Congress. In fact, nine out of the ten top drug makers spend more money on marketing than they do on research and development, and four of the top five have a marketing budget over twice as big as their research and development budget.

In 1998, the drug companies spent $1.3 billion in tax deductible product marketing to consumers. That is $1.3 billion in marketing, advertisement, to entice consumers to buy those prescription drugs at those high prices. They spent $7 billion more advertising directly to the health care professionals.

In 1999, the trade association for the drug manufacturers, called PHrMA, increased its marketing budget 54 percent higher than the previous year. But despite the soaring profits of the drug makers, their research and development increased by less than half of that.

Another very, very important issue for all of our seniors to understand when they ask the question why are drug prices so high is to understand that the drug manufacturers are spending just over $2 million a year lobbying this Congress. They spent $2 million in direct political contributions and almost $150 million in lobbying expenditures in the 105th Congress. That is a lot of money. They are one of the biggest spenders of any industry group on lobbying and in political contributions.

Should we ask why is it difficult for this Congress to deal with this issue in the best interests of our senior citizens? It is not hard to answer the question, when we see the amount of millions that the drug manufacturers are spending, trying to preserve their preferred position with regard to pricing.

Now, the drug companies we know in recent months have gone even further than the expenditures that we see here. They are using lies, deceptions and secret organizations to attack any plan that would dare to suggest we should lower drug prices. Just yesterday, a nonprofit group called Public Citizen released a new report that revealed a secret $65 million ad campaign funded by the drug makers under the deceptive name of Citizens for Better Medicare. I want to show you some of their materials.

This group, Citizens for Better Medicare, is really a secret interest group that uses tax loopholes to cover up the sources of their funding and their real purpose. They clearly want to keep drug prices high. They want to pass legislation in this Congress that will let them share the millions of dollars of taxpayer dollars with the insurance companies and the greedy HMOs, rather than giving the money back to our seniors in the form of lower drug prices.

Here is what the report revealed about the so-called Citizens for Better Medicare. Its director, it was revealed, a fellow named Tim Ryan, is the former marketing director for PHrMA, the industry trade group for the pharmaceutical manufacturers. The report also revealed that the Members of this Citizens for Better Medicare include other interest groups that have been denounced by Republicans and Democrats alike for their scare tactics to try to persuade seniors to oppose the efforts that are being made in this Congress to lower prescription drug prices.

It is their goal to avoid any kind of Medicare drug coverage that has the effect of reining in the skyrocketing drug costs. This campaign has targeted many Members of Congress, particularly those on the Democratic side of the aisle.

2245

In fact, this interest group has sent telegrams into my own district and called on my constituents with information that is clearly deceptive and urged them to call me to tell me to oppose the very legislation that would genuinely help lower prescription drug costs.

My colleagues can see here on the chart one of the telegrams that my constituents handed me when I was at Wal-Mart just a couple of weekends ago. He came up to me quite disturbed and he says, I want to give you this. They have written me this, sent me this telegram and they have urged me to call you, but now that I have seen you here at Wal-Mart, I will just give you the telegram. This telegram, and I quote from it, says, ''Government bureaucrats under the democratic plan could control which medicines you receive instead of you and your doctor.''

Clearly, an absolute lie. The plan that we propose is completely voluntary. Government bureaucrats would not control the prices, and specifically under our plan, it promises that any drug a doctor determined to be medically necessary will be covered under our plan.

The telegram attempts to confuse seniors by referring to the Gephardt-Daschle bill and urges seniors to call our offices and tell us to be against that bill. Well, interestingly, there is no such bill. There is no Gephardt-Daschle bill. Another effort simply to deceive and confuse our senior citizens.

Frankly, the truth is that the Republican leadership in this Congress is cooperating with this group, Citizens for Better Medicare. As we can see, this group has not only sent out telegrams, but they have run full-page ads in the major newspapers around the country suggesting that the way to lower prescription drug prices is to turn this effort over to private insurance companies because, as the ad depicts, they say, those who are enrolled in private insurance get lower prices. Well, why should not everybody get lower prices whether they have insurance or not? So Citizens for Better Medicare, a front group for the drug manufacturers, is willing to pay $65,000 for one ad in the Washington Post just to try to persuade this Congress to be against plans that would genuinely bring prices down for our senior citizens.

So what can we do? First of all, we have to have our senior citizens clearly understand who is on their side. We have to have them understand that these letters, these television ads that have been running for months in many districts that try to suggest that they should call their Congressman and tell them to be against some plan is, most likely, paid for by the pharmaceutical industry that is trying to preserve their ability to charge the outrageous prices that our seniors are currently paying.

Our democratic plan has been clear. It is part of Medicare, a plan that our seniors trust. It is a plan that is universal, completely voluntary, and most importantly, it is affordable.

Our democratic plan would be available to every senior, and every senior today has a problem when they get sick paying these high prices. One does not have to just be at the poverty level to have a problem with the price of prescription drugs. My aunt came to see me the other day, she is not at the poverty level, but she had been put on a new medication and she said it was going to cost her $400, and she was outraged.

All seniors want help with the price of prescription drugs. Our plan would do that. It does not give the money to private insurance companies as the Republican plan would, and it is very interesting, because the private insurance companies and the very hearings that are going on tonight have testified, some of their representatives, that the insurance companies really do not think they can offer this plan, because they cannot figure out how to make any money off of it. Even if we pour this money into them, they say, well, we would probably not be able to do it for the seniors.

What we need is a Medicare benefit for all of our seniors that is affordable, that is voluntary, so if our seniors say, well, I already have some other insurance coverage and I like it, then they do not have to pay the premium that is offered under the Medicare plan. But all of our seniors need this relief.

I am glad to have tonight with me 3 other Members of Congress who have fought very hard on the issue that I am talking about. One of them whom I want to recognize first is the gentleman from Arkansas (Mr. BERRY). The gentleman cochairs the Prescription Drug Task Force with me, along with the gentleman from Maine (Mr. ALLEN). The gentleman has fought long and hard on this issue for our seniors

and it is a pleasure to recognize him to speak on this issue.

Mr. BERRY. Mr. Speaker, I want to thank the gentleman from Texas. The gentleman has provided outstanding leadership on this matter and I think he has done one of the finest jobs of explaining this entire issue that I have ever heard, and I want to thank the gentleman for that. I want to thank the gentleman from New Jersey (Mr. PALLONE) for his leadership and all of the other members of the Prescription Drug Task Force for the effort that they have put into this.

As the gentleman has said, Americans pay outrageously high prices for prescription drugs. Over and over and over we hear it from our constituents. They must make the choice between food and medicine. There is no way that the greatest Nation in the history of the world should allow something like this to go on. It just simply is not fair that our senior citizens and all Americans pay more than any other country for medicine; they pay more than the big HMOs and the big hospitals pay for medicine, and even though it sounds ridiculous, they pay more than animals have to pay for medicine. Is it not a sad thing that we have allowed this to go on this long, only in the name of preserving the profits of the prescription drug manufacturers of this country. That is the only reason, is just for money, just for profits.

Mr. Speaker, the need for an optional, meaningful and defined Medicare prescription drug benefit that is available to all seniors if they want it is absolutely without question.

Under the Republican plan, Medicare would not provide a single dollar of premium assistance for middle class Medicare beneficiaries. Instead of offering the defined benefit under Medicare, Republicans want to force our seniors to have to go into HMOs, into private plans that make profits by restricting access to their prescription medicines. The unworkable Republican scheme would give money directly to participating HMOs and insurance companies for part of the cost of the most expensive enrollees, hoping that this will result in lower premiums. The plain and simple difference is that the Republicans want to take our tax dollars and give that money to the insurance companies and hope that something good is going to happen when, in fact, the insurance companies say they do not want it. They do not want any part of it. This is only a shameful attempt to trick our senior citizens and, once again, protect the outrageous profits of the prescription drug manufacturers of this country.

Mr. Speaker, it is very unlikely that private insurers will even offer these plans that the Republicans are talking about. Jim Cohn of the Health Insurance Association of America testified before the Committee on Ways and Means last week that it would be virtually impossible for insurers to offer coverage to seniors at an affordable premium.

We are going to find out in just a few weeks that we are in better shape than we ever imagined only a few years ago with our budget in this country. We are going to have a little money to do something with. Along with many of the other blue dogs, I have supported the idea of taking care of Medicare and Social Security first, paying down our debt, investing in education and infrastructure, and also doing some priority things that we need to do, and I think prescription drugs comes at the top of that list. It is time that we did something for our senior citizens that is meaningful, that gives them the ability to buy their medicine at a reasonable price and protects them from the economic disaster that the high cost of prescription medication brings on many of our seniors every day in this country. It is a terrible thing to see this happen, and it is unbelievable that the United States Congress has not done something about it.

Once again, I want to congratulate and thank my distinguished colleague from Texas (Mr. TURNER) for his leadership on this matter and applaud his effort and the efforts of the Democrats to continue to bring this issue forward and to end up before we adjourn this year with a meaningful prescription drug benefit for our senior citizens in this country and, hopefully, another benefit will be a reasonable price for medicine for all Americans.

Mr. TURNER. Mr. Speaker, I thank the gentleman. I want to thank the gentleman for his leadership. Many of us may not recognize that the gentleman from Arkansas has a background and training as a pharmacist, and he understands full well the issue that we are discussing tonight, and his leadership has been invaluable in helping us try to address this issue.

I now want to yield to another Member of this Congress who has worked tirelessly in her efforts to try to address the problems of senior citizens and paying for prescription drugs, the gentlewoman from Illinois (Ms. SCHAKOWSKY). I am pleased to have her here tonight, and I thank the gentlewoman for the leadership she has provided for all of us on this issue.

Ms. SCHAKOWSKY. Mr. Speaker, I thank my colleague from Texas, so much, for allowing me to participate tonight in this incredible discussion about a problem that faces the gentleman in his district. There is no doubt, I am sure, to any of the seniors in the gentleman's district that he is definitely on their side and fighting every day for them.

I am also happy to be here with my colleague from Arkansas (Mr. BERRY). We come from very different kinds of districts, but there is one important thing that we have in common, and that is that our senior citizens are struggling just the same every single day to try and pay for their prescription drugs.

Mr. Speaker, the next time anybody goes to the pharmacy to pick up a prescription, I would suggest that they look at the people who are waiting there to get their prescription and try and pick out the person who is paying the absolute top dollar for their prescription. One might think, well, it could be that well-dressed business executive who is going to be paying the most, or that kind of upscale-looking young working woman who is going to be paying the most. But the truth of the matter is, one has to pick out the oldest, the frailest, the poorest looking person in that line, probably a woman, and that is the person that is going to be paying the most for prescription drugs, and that is simply not fair. That is based on a very conscious decision by the wealthiest industry in the world, the pharmaceutical companies. To figure out how to boost their profits, they are going to go after the people who need those drugs the most, those medicines the most, and who are going to do everything they can to try and pay for them, those are the people they are going to try and squeeze out the most money from.

Seniors make up about 12 percent of the population, but they use about a third of the prescription medication, so it is, of course, a logical target group, the most logical prey for the pharmaceutical industry. Most of them have little or no insurance, or their insurance is inadequate. So that means they do not have anybody on their side to bargain for them for lower prices.

The gentleman referred to a study that was done under the auspices of the Committee on Government Reform on which I sit, and I did that study in my district.

2300

I found that uninsured, uninsured for prescription drugs, uninsured senior citizens were paying, on average, 116 percent more than the most favored customers of the pharmaceutical companies, the HMOs, the Veterans Administration. Those were paying 116 percent less than our senior citizens were.

Then we did another study. We looked at what about if they went to Canada or to Mexico, and just as the gentleman said earlier, in my district, just like in the gentleman's district or in Arkansas or in any district around the country, it was about 80 percent less for those same drugs that they need to save their lives, to enhance their lives, to extend their lives. If they went there they would pay 80 percent less.

Then my dog Bo and I did a press conference together. Bo sat down next to me. He is a good old dog. I said that a drug, one of the drugs actually that I take, Vasotec, for high blood pressure, that same drug for Bo, and it is a drug that is used on animals, would be about 58 percent less. If I could send Bo to the drugstore to get the drugs, I would be better off, too.

That is not right. I did the press conference at a senior citizen center, and

they were offended by that, and they should be offended by that. This is not because there is less research done on the drug for Bo, this is not because it is a different drug that is cheaper, it is because they charge what the market will bear, and they know that the seniors are going to have to pay more for those drugs if they do not want to have a stroke.

Mr. Speaker, the drug companies say to us, look, if we are not allowed to charge these prices, then we are just not going to be able to do the research and development and you are simply not going to have the drugs.

Again, as the gentleman pointed out, if that money is so scarce for research and development, then tell me why we can hardly turn on the TV anymore without seeing, one after another, an ad by the drug companies for a drug. They are spending far more on their advertising budget than they are on their research and development budget.

Let me just end with this. One of the ads that they have, they used to have, I do not know if she is on TV anymore, I have not seen her lately, is this nice-looking elderly woman called Flo. She looks very fit. Flo goes bowling. She ends up her ads, ''We want to keep government out of our medicine cabinet,'' is what Flo says. No, no government program to lower prices.

I would like to just tell the gentleman that I have worked with seniors for years and years. I was executive director of the State Council of Senior Citizens in my State before I ran for public office. I have been talking to senior groups ever since I have been a public official. I have never once heard a senior citizen tell me, keep government out of my medicine cabinet.

It is the opposite. They are saying, please, Representative, help me. Do something. Government has to be part of the solution here. I love my Medicare, but it is not helping me when it comes to prescription drugs. I need you now.

They need us now. We have to come up with an answer. The answer is having a prescription drug benefit under Medicare giving affordable, accessible prescription drugs for our senior citizens. I appreciate the gentleman's leadership in getting us there.

Mr. TURNER. Mr. Speaker, I thank the gentlewoman from Illinois. I appreciate the leadership the gentlewoman has given to this issue. She is a most effective spokesperson on behalf of senior citizens. I am sure that seniors in the gentlewoman's district fully recognize the battle that the gentlewoman is waging on their behalf.

Mr. Speaker, I yield to my dear friend, the gentleman from San Antonio, Texas (Mr. RODRIGUEZ), who has been a warrior fighting on behalf of seniors on this issue.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Texas. I think the gentleman has done a tremendous presentation with the data that the gentleman has before him.

There is no doubt, as I was listening to the gentlewoman talking about Flo, the woman out there advertising on behalf of the pharmaceutical companies, when she talks about keeping government out, she is talking because she is an individual apparently not on Medicare but on a private HMO, and receiving that 39 or 40 percent cut that is displayed, that the gentleman has that very vividly shows the disparity that we are talking about.

That particular advertisement says that if someone is in a HMO, or private, that the pharmaceutical companies will give a 40 percent credit on prescriptions, but if someone is on Medicare, tough luck. They are going to pay not only the 40, but also the profits that we have to make that they did not make on those other individuals. That is what is wrong. As the gentleman has indicated so clearly, why should not everybody get that opportunity to get that 40 percent cut?

When we did those studies, and I did them in my district, also, in my district, it showed that our senior citizens, and I went across with all my pharmacists and they reported to us. The pharmacies that are out there recognize the disparity. They have to charge 122 percent for my senior citizens on Medicare for the same prescriptions.

What we are talking about is if someone is on Medicare, they have to pay in my district 122 percent to 150 percent more for the same prescription than someone who is on an HMO. The only reason is that the pharmaceutical companies have chosen not to provide that.

Now they expended that money and are using people like Flo and talking about keeping government out, because, after all, they are making huge profits on our senior citizens. That should be a crime, to be going after those individuals who need the medication the most in our country, the individuals that are out there in need, and those are the ones who are having to pay more. It does not make any sense, I say to the gentleman.

I know he understands this fully, that in 1965 when we started Medicare, at that time we might not have needed prescriptions. But now if someone is under Medicaid for the indigent, they get prescription coverage. But if someone is on Medicare, our senior citizens, they do not get it.

That does not make any sense whatsoever. I think that it is time that we move forward and provide that access to our senior citizens so that they will be able to get access to that quality care that is needed.

When the gentleman provided that example out there, that hits us right in the forehead. My constituents are also getting those letters. I would ask them to look real carefully, because what we are really fighting for here is to make sure that our senior citizens get access to quality care. That includes prescription coverage and getting the appropriate cost in those areas, instead of having to pay not only what the others are paying, but they are actually paying a lot more for that same prescription, because the pharmaceutical companies are making the profit on them at the expense of our senior citizens. That is unfortunate.

So when the gentleman watches that advertisement, make sure he watches real closely in the bottom of that, to show who is paying for that advertisement. It is unfortunate that those pharmaceutical companies continue to provide huge amounts of money to the Congressmen in their lobbying efforts, in the campaigns of a lot of individuals that are running out here.

We need to make the changes that are needed in this country. One of those changes is to make sure that we provide the prescription coverage for our senior citizens. That is one thing that we need to do, an obligation that we have, because a lot of these senior citizens go without eating.

I have heard testimony after testimony where one of the spouses decides not to buy her prescriptions because she is getting it for her husband. That is unfortunate. Or they decide to buy one prescription, not the second or third one, because they do not have sufficient money. That is unfortunate. That should not be happening.

It is time that we can do that now. We have the resources to do that now. We have the surplus. If not now, when? I say that again: If not now, when? We cannot afford for us to continue to go on in this way.

I want to thank the gentleman from Texas (Mr. TURNER) for his efforts and for continuing this fight. We are not going to let up. We are going to continue this effort. If it does not happen this session, we are going to be back the next session.

I know the gentleman has been at it for the last two sessions, and we have been trying to make some things happen. Eventually we are going to do it, because it is the right thing to do, to make sure that, if nothing else, that people pay the right prices and are not gouged the way they are being gouged now at the expense of other senior citizens, and now using those senior citizens that have the private insurance against the senior citizens that are on plain Medicare. That is unfortunate that that is happening.

I appreciate the gentleman allowing me the time to be here.

2310

Mr. TURNER. Mr. Speaker, I want to thank the gentleman from Texas (Mr. RODRIGUEZ) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Arkansas (Mr. BERRY) for joining in this effort tonight to talk about the problems of high prices of prescription drugs for our seniors.

I hope the effort this evening has shed some light on why prices of prescription medicines are so very high for our seniors. After all, when the big drug manufacturers can afford to spend

hundreds of millions of dollars in ad campaigns to try to preserve the status quo, which has resulted in our senior citizens, our most vulnerable portion of our population, paying the highest prices of anyone in our society and anyone in the world for prescription medications, I think and I know the gentleman from Texas (Mr. RODRIGUEZ) thinks that we need to talk about it on the floor of this House.

This ad campaign must be exposed, the hundreds of millions of dollars that the big drug companies are spending to try to be sure that they defeat our efforts to pass meaningful prescription drug coverage for our seniors as a part of the Medicare program. That effort that they are making is wrong, and I hope that our seniors will see through it when they get these telegrams, when they see these newspaper ads, when they watch the television screens with characters like Flo that the gentlewoman from Illinois (Ms. SCHAKOWSKY) mentioned, they will understand that they are seeing an ad that is designed to perpetuate a system that makes senior citizens of this country pay the highest prices in the world for prescription drugs that they need.

I thank all of my colleagues for joining with us tonight and being a part of this effort to talk about this important issue. I am looking forward to hearing from the gentleman from Iowa (Mr. GANSKE), our next speaker in the last portion of our Special Orders, who has been outspoken on this issue and has a unique insight as a medical doctor into the problem of prescription drugs for seniors.

PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized until midnight as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, this is a photo of William Newton, age 74, of Altoona, Iowa, a constituent in my district whose savings vanished when his late wife Waneta, whose picture he is holding, needed prescription drugs that cost as much as $600 per month.

''She had to have them. There was no choice'', Mr. Newton said. ''It's a very serious situation and it isn't getting any better because drugs keep going up and up.''

When James Weinmann of Indianola, Iowa, and his wife, Maxine, make their annual trip to Texas, the two take a side trip as well. They cross the border to Mexico and load up on prescription drugs, which are not covered under their Medigap policies. Their prescription drugs cost less than half in Mexico than what they cost in Iowa.

Mr. Speaker, this problem is not localized to Iowa. It is everywhere. The problem that Dot Lamb, an 86-year-old Portland, Maine, woman who has hypertension, asthma, arthritis and osteoporosis has paying for her prescription drugs is all too common. She takes five prescription drug that cost over $200 total each month, over 20 percent of her monthly income. Medicare and her supplemental insurance do not cover prescription drugs.

Mr. Speaker, I recently received this letter from a computer savvy senior citizen who volunteers at a hospital that I worked at before coming to Congress.

''Dear Congressman GANSKE, after completing a University of Iowa study on Celebrex 200 milligrams for arthritis, I got a prescription from my M.D. and picked it up at the hospital pharmacy. My cost was $2.43 per pill with a volunteer discount.

''Later on the Internet I found the following:

''I can order through Pharmaworld in Geneva, Switzerland after paying either of two American doctors $70 for a phone consultation, these drugs, at a price of $1.05 per pill plus handling and shipping.

''I can order these drugs through a Canadian pharmacy if I use a doctor certified in Canada, or my doctor can order it on my behalf through his office for 96 cents per pill plus shipping.

''I can send $15 to a Texan and get a phone number at a Mexican pharmacy which will send it without a prescription at a price of 52 cents per pill.''

This constituent closes his letter to me by saying, ''I urge you, Dr. GANSKE, to pursue the reform of medical costs and stop the outlandish plundering by pharmaceutical companies.''

Well, Mr. Speaker, I want to be very clear, I am in favor of prescription drugs being more affordable, not just for senior citizens, but for all Americans.

Let us look at the facts of the problem and then discuss some of the solutions.

There is no question that prices of drugs are rising rapidly. A recent report found that the prices of the 50 top-selling drugs for seniors rose much faster than inflation. Thirty-three of the 50 drugs rose at least one and a half times inflation. Half of the drugs rose at least twice as fast as inflation. Sixteen drugs rose at least three times inflation. Twenty percent of the top 50 selling drug for seniors rose at least five times inflation.

The prices of some drugs are rising even faster. Furosemide, a generic diuretic, rose 50 percent just in 1999. Klorcon 10, a brand-name drug, rose 43.8 percent.

This was not a 1-year phenomena. Thirty-nine of these 50 drugs have been on the market for at least 6 years. The prices of three-fourths of this group rose at least 1.5 times inflation. Over half rose at twice inflation. More than 25 percent rose at three times inflation. Six drugs rose at over five times inflation. Lorazepam rose 27 times inflation and Furosemide 14 times inflation.

Prilosec is one of the two top-selling drugs prescribed for seniors. The annual cost for this 20-milligram gastrointestinal drug, unless one has some type of drug discount, is $1,455. For a widow at 150 percent of poverty, that means she is living on $12,525 a year, the annual cost of Prilosec for acid reflux disease alone will consume more than one in $9 of this senior's total budget.

What about a woman who has diabetes, hypertension and high cholesterol? She requires these drugs. Her drug costs would consume up to 18.3 percent of her income.

2320

My friend from Des Moines, the Iowa Lutheran Hospital volunteer senior citizen, knows, as do the Weinmans from Indianola, from their shopping trips in New Mexico for prescription drugs, that drug prices are much higher in the United States than they are in other countries. A story from USA Today comparing U.S. drug prices to prices in Canada, Great Britain, and Australia for the 10 best selling drugs verifies that drug prices are higher here in the U.S. than they are overseas.

For example, Prilosec is two to two-and-a-half times as expensive in the U.S. as it is in Canada, Britain or Australia. Prozac is two to two-and-three-quarter times as expensive in the United States, at $2.27 per pill, as compared to Canada at $1.07, Britain at $1.08, and Australia 82 cents. Lipitor was 50 to 92 percent more expensive. Prevasid was as much as four times as expensive in the United States, at $3.13 per pill, than it was in Canada, Britain or Australia. Look, the drug only costs 83 cents in Australia. Only one drug, Epogen, was cheaper in the U.S. than in the other countries.

Now, high drug prices have been a problem for the past decade. Two General Accounting Office studies from 1992 and 1994 showed the same results. Comparing prices for 121 drugs sold in the U.S. and Canada, prices for 98 were higher in the United States. Comparing 77 drugs sold in the U.S. and the United Kingdom, 86 percent of the drugs were priced higher in the United States. And three out of five were more than twice as high.

Now, drug companies claim that drug prices are so high because of research and development costs, and I do want to say that there is great need for research. For example, around the world we are seeing an explosion of antibiotic resistant bacteria, like tuberculosis, for which we will need research and development for new drugs. A new report by the World Health Organization outlines this concern about infectious diseases.

However, data from PhRMA, the pharmaceutical trade organization that I saw presented in Chicago about 1 month ago, showed little increase in research and development, especially in comparison to significant increases by the pharmaceutical companies in advertising and marketing. Since the 1997 FDA reform bill, advertising by drug companies has gotten so ubiquitous that the news line, Healthline,

recently reported that consumers watch on average nine prescription drug commercials a day.

Look at this chart, which shows 1998 figures for the big six drug companies. In every case marketing, advertising, sales, and administration costs exceed research and development. So, for example, if we look at Merck, Merck had, as a percent of revenue, 15.9 percent go to marketing. They only had 6.3 percent of their income go to research and development. Pfizer spent nearly 40 percent on marketing of their income and only 17.1 percent on research and development.

In 1999, of the five companies with the highest revenues, four spent at least twice as much on marketing, advertising, and administration as they spent on research and development. Only one of the top 10 drug companies spent more on research and development than on marketing, advertising, and administration.

Administrative costs have not increased that much. The real increase has been in advertising. For the manufacturers of the top 50 drugs sold to seniors, profit margins are more than triple the profit rates of the other Fortune 500 companies. So we see for pharmaceutical companies 18 percent profit margins, we see for the other Fortune 500 companies profit margins of 5 percent.

Furthermore, as recently cited in The New York Times, of the 14 most medically significant drugs developed in the past 25 years, 11 had significant government financed, government financed, research. For example, Taxol is a drug developed from government-funded research which earns its manufacturer, Bristol-Myers-Squib, millions of dollars each year.

Now, Mr. Speaker, as I said at the start of this special order, I think the high cost of drugs is a problem for all Americans, not just the elderly. But many nonseniors are in employer plans and get a prescription drug discount. In addition, there is no doubt that the older one is the more likely the need for prescription drugs. So let us look at what type of drug coverage is available to senior citizens today.

Medicare pays for drugs that are part of treatments when the senior citizen is a patient in a hospital or in a skilled nursing facility. Medicare pays doctors for drugs that cannot be self-administered by patients, i.e. drugs that require intramuscular or intravenous administration. Medicare also pays for a few other outpatient drugs, such as drugs to prevent rejection of organ transplants, medicine to prevent anemia in dialysis patients, and oral anticancer drugs. The program also covers pneumonia, Hepatitis and influenza vaccines. The beneficiary is responsible for 20 percent coinsurance of these drugs.

About 90 percent of Medicare beneficiaries have some form of private or public coverage to supplement Medicare. But many with supplementary coverage have either limited or no protection against prescription drug costs, those drugs that one buys in a pharmacy with a prescription from their doctor.

Since the early 1980s, Medicare beneficiaries in some parts of the country have been able to enroll in HMOs which provide prescription drug benefits. Medicare pays the HMOs a monthly dollar amount for each enrollee. Some areas, like my State, Iowa, have had such low payment rates that no HMOs with drug coverage are available. This is typically a rural problem, but some metro areas also have inequitably low reimbursements.

And I should say that, parenthetically, I have led the fight to improve these unfair payment rates, which allow seniors living in Miami, for example, to get drug benefits that seniors living anywhere in Iowa or Nebraska or Minnesota do not. But I will return to this issue a little bit later in this talk.

Employers may offer their retirees health benefits that include prescription drugs, but fewer employers are doing so. From 1993 to 1997, prescription drug coverage of Medicare eligible retirees dropped from 63 percent to 48 percent. Beneficiaries with medigap insurance typically have coverage for Medicare's deductibles and coinsurance, but only three of the ten standard plans offer drug coverage. All three impose a $250 deductible.

Plans H and I cover 50 percent of the charges up to a maximum benefit of $1,250. Plan J covers 50 percent of the charges up to a maximum benefit of $3,000. The premiums for these plans are significantly higher than the other seven medigap plans because of the cost of the drug benefit.

2330

This chart shows the difference in annual cost to a 65-year-old woman for a Medigap policy with or without a drug benefit. For a Medigap policy of moderate coverage, she pays about $1,320 without a drug benefit and she pays $1,917 for a policy with a drug benefit. For extensive coverage, she would pay $1,524 for a policy without drugs but she would pay $3,252 in premiums for insurance with drug coverage.

Why is there such a price gap between policies that offer drug coverage compared to those that do not? Well, it is because the drug benefit is voluntary. Only those people who expect to actually use a significant quantity of prescriptions purchase a Medigap policy with drug coverage. But because only those with high costs choose that option, the premiums must be high to cover the costs of a high average expenditure for drugs.

So what is the lesson we can learn from the current program? Adverse selection tends to drive up the per capita cost of coverage unless the Federal Treasury simply subsidizes lower premiums. The very low income elderly and disabled Medicare beneficiaries are also eligible for payments of their deductible and co-insurance by their State's Medicaid program.

For these dual-eligibles, the most important service paid for by Medicaid is frequently the prescription drug plans offered by all States under their Medicaid plans.

There are several groups of Medicare beneficiaries who have a more limited Medicaid protection. Qualified Medicare beneficiaries, QMBs, otherwise known as QMBs, have incomes below the poverty line, that is $8,240 for a single person, $11,060 for a couple, and they have assets below $4,000 for a single person and $6,000 for a couple.

Medicaid pays their deductibles and their premiums. Specified low income Medicare beneficiaries, known as SLIMBs, have incomes up to 120 percent of the poverty line and Medicaid pays their Medicare Part B premium.

Qualifying individuals, one, have income between 120 and 135 percent of poverty. Medicaid pays only their Part B premium but not deductibles. And qualifying individuals, two, have income between 135 percent and 175 percent of poverty. Medicaid pays part of their Part B premiums.

Why am I going into these details? Because in a little bit I want to describe a way to help these people who are low income but not so low that they qualify for Medicaid drug benefit.

These QMBs and SLIMBs are not entitled to Medicaid's prescription drug benefit unless they are also eligible to full Medicaid coverage under their State's Medicaid program. QI–1s and QI–2s are never entitled to Medicaid drug coverage.

A 1999 Health Care Financing Administration report showed that, despite a variety of potential sources of coverage for prescription drugs, beneficiaries still pay a significant proportion of drug costs out of pocket and that about one-third of Medicare beneficiaries had no coverage at all.

It is also important to look at the distribution of Medicare enrollees by total annual prescription drug expenditures. This information will determine, based on the cost of the benefit, how many Medicare beneficiaries will consider the premium cost of a voluntary drug benefit insurance program worked it.

This chart from the Medicare Payment Advisory Commission, known as MPAC, in a report to Congress in 1999 shows that 14 percent of Medicare beneficiaries have no drug expenditures, 36 percent have expenditures of one dollar to $500 a year, 19 percent had drug expenditures from $500 to $1,000 a year, 12 percent from $1,000 to $1,500 a year, 14 percent from $1,500 to $3,000 a year, and 6 percent over $3,000.

But please note that 14 percent plus 36 percent means that 50 percent of Medicare beneficiaries today have less than $500 drug expenses annually. And if you add another 19 percent, 69 percent had drug expenses of less than $1,000 a year.

As we look at plans to change Medicare to better cover the cost of prescription drugs, we face some difficult

choices for which there is currently no consensus in the population or, for that matter, among policymakers.

There are many questions to answer. Here are a few: Should the coverage be for the entire Medicare population or for low income seniors? Should it be comprehensive or for catastrophic? What should be the level of benefit cost sharing by the recipients? Will there be any cost controls on the cost of drugs? Should we deal with this problem about drug costs for the Medicare population only or should we try to figure out some provisions for everyone? How much money can the Federal Treasury devote to this subsidy? Can we really predict the cost of the benefit?

Now, Mr. Speaker, the desire to add a prescription drug benefit is not new. It was discussed at the inception of Medicare back in 1965 and many times since then. The reason why adding a prescription benefit is such a hot issue now is that there has been an explosion in new drugs available, huge increases in demand for these drugs, and significant increase in the cost of these drugs in just the past few years. Many of these drugs are life-preserving, such as some of those that my own father takes.

Before I discuss the Democratic and Republican proposals, I think it is instructive to look at what happened the last time Congress tried to do something about prescription drugs and Medicare. This is because the outcome of reform in 1988 has seared itself into the minds of the policymakers who were in Congress then and who are committee chairman now.

The Medicare Catastrophic Coverage Act of 1988 would have phased in catastrophic prescription drug coverage as part of a larger package of benefit improvements. Under the Medicare Catastrophic Coverage Act of 1988, catastrophic prescription drug coverage would have been available in 1991 for all outpatient drugs subject to a $600 deductible, 50 percent co-insurance.

The benefit was to be financed through a mandatory combination of an increase in Part B premium and a portion of the new supplemental premium which was to be imposed on higher income enrollees.

It is also important to note that the Congressional Budget Office estimated the cost for this at $5.7 billion initially and only 6 months later the cost estimates had more than doubled because both the average number of prescriptions used by enrollees and the average price had risen more than previously estimated.

This plan back in 1988 passed the House by a margin of 328–72, and President Reagan enthusiastically signed into law this largest expansion of Medicare in history. The only problem was that, once seniors learned their premiums were going up, they hated the bill.

2340

They even started demonstrating against it. Scenes of Gray Panthers hurdling themselves on to Ways and Means chairman Dan Rostenkowski's car were broadcast to the Nation. Angry phone calls from senior citizens flooded the Capitol switchboards. So the very next year this House voted 360 to 66 to repeal the Medicare Catastrophic Coverage Act of 1988, and President Bush then signed the largest cut in Medicare benefits in history, and this experience left scars on the political process that are evident in today's Democratic and Republican proposals.

What was the lesson? Well, Dan Rostenkowski wrote an article for the Wall Street Journal on January 17 of this year that should be required reading for every Member of this Congress. Remember, he was the chairman of the Committee on Ways and Means in 1988. His most important point was this: The 1988 plan was financed by a premium increase for all Medicare beneficiaries. Rosti says in his op-ed piece, ''We adopted a principle universally accepted in the privates insurance industry: People pay premiums today for benefits they may receive tomorrow.''

Apparently the voters did not agree with those principles. By the way, the title of his op-ed piece is ''Seniors Won't Swallow Medicare Drug Benefits.''

Former Ways and Means Chairman Rostenkowski does not think seniors have changed since 1988, and apparently the drafters of the Democratic and the Republican bills agree with him, because the key point the spokesmen for each of these bills makes to seniors is that their respective plans are voluntary.

While there are shortcomings in both plans, I think before I briefly describe each plan let me acknowledge the hard work that some members have put into these bills. The House Republican plan is estimated to cost seniors $35 to $40 a month in 2003, with possible projected rises of 15 percent a year. Premiums could vary among plans. There would be no defined benefit plan, and insurers could offer alternatives of ''equivalent value.'' There would be a $250 deductible, and the plan would then pay half of the next $2,100 in drug costs. After that expense, patients are on their own, until out-of-pocket expenses reach $6,000 a year when the government pays the rest.

The GOP plan would pay subsidies to insurance companies for people with high drug costs. If subscribers did not have a choice of at least two private drug plans, then a ''government plan'' would be available. A new bureaucracy called the Medical Benefits Administration would oversee these private drug insurance plans.

Under the Republican plan, the government would pay for all premiums and nearly all beneficiaries' share of covered drug costs for people with incomes under 135 percent. For people with incomes from 135 to 150 percent of the poverty level, premium support would be phased out. It is assumed that drug insurers would use generic drugs to control costs.

The cost of the GOP plan is estimated to be $37.5 billion over 5 years, and about $150 billion over 10 years, though the Congressional Budget Office is having a hard time predicting costs because there is no standard benefit definition.

The premiums under the Clinton plan were estimated to cost those seniors who sign up, remember, this is a voluntary plan, like the GOP plan, about $24 a month in the year 2003, rising to $51 a month in 2010. However, the Clinton Administration now talks about adding $35 billion in expenses for a catastrophic component like the GOP plan, which would make premiums higher.

Under the Clinton plan, Medicare would pay half the cost of each prescription, and there would be no deductible. Maximum Federal payment would be $1,000 for $2,000 worth of drugs in 2003, rising to $2,500 for $5,000 worth of drugs in 2009.

The government would assume the financial risk for prescription drug insurance, but it would hire private companies to administer benefits and negotiate discounts from drug manufacturers. It would aid the poor similar to the GOP House plan and would try to control costs by the use of pharmaceutical benefit managers. As pharmaceutical companies buy up these benefit managers, one wonders about conflicts of interest and whether any discounts will really occur.

But here is a crucial point: In order to cushion the cost of the sicker with premiums from the healthier, both plans calculate premiums premised on about 80 percent participation of all those in Medicare.

Now, the partisan attacks on the Clinton plan and on the GOP plan are already starting. Democrats say Republicans are putting seniors in HMOs, HMOs provide terrible care, and this is not fair to seniors.

Republicans say the Democratic plan is a one-size-fits-all plan that is too restrictive, too confusing and puts the politicians and Washington bureaucrats in control. This is from a House Republican Conference source.

Now, I could criticize each of these plans in depth, but I do not have that much time left. Suffice it to say that the details of each of these plans is very important as to how they would work; for that matter, if they would work.

The GOP bill's legislative language just became available a few days ago, so I have been reading the 150 page document over the past few days. I believe that if you let plans design all sort of benefit packages, as does the GOP plan, it becomes very difficult for seniors to be able to compare apples to apples, to compare equivalency of plans in terms of value. I also think that plans can tailor benefits to cherry pick healthier, less expensive seniors and game the system.

Representatives of the insurance industry seemed to share that opinion in

a hearing before my committee. In my opinion, a defined benefit package would be better. I have concerns about the financial incentives that the House Republican bill would offer insurers to enter markets in which no drug plans are available. Would these incentives encourage insurers to hold out for more money? I have doubts that the private insurance industry will ever offer drug only plans.

In testimony before my committee, Chip Kahn, President of the Health Insurance Association of America, testified that drug only plans will not work. In testimony before the Committee on Commerce on June 13, 2000, Mr. Kahn said, ''Private drug only coverage would have to clear insurmountable financial regulatory and administrative hurdles simply to get to the markets. Assuming that it did, the pressures of ever increasing drug costs, the predictability of drug expenses, the likelihood that the people most likely to purchase this coverage will be the people anticipating the highest drug claims, would make drug only coverage virtually impossible for insurers to offer to seniors at an affordable premium.'' Mr. Kahn predicted that few, if any, insurers would offer that kind of product.

I could similarly criticize several particulars of the Democratic bill, but, in the spirit of bipartisanship, I want to expand on what I think is the fundamental flaw in both plans, and that is what is called adverse risk selection.

If the Clinton plan has comparable costs for a stop loss provision of catastrophic expenses, the premium costs will be comparable to the GOP plan. Under these bills, a person who signs up for drug insurance will pay about $40 per month, or roughly $500 per year. After the first $250 out-of-pocket costs for the deductible, the enrollee would need to have twice $500 in drug costs, or $1,000, in order to be getting a benefit that is worth more than the cost of the premiums for the year.

Put it another way: The enrollee must have $250 for the deductible, plus $1,000, or $1,250 in annual drug costs, in order to get half of the rest of his drug expenses, up to a maximum of $2,100 paid for by the plan.

Who then will sign up for these plans? Well, those seniors with over $1,250 in annual drug expenses. Those with less than that would end up paying more in premiums than they are currently paying.

Remember the MedPAC data from the last year that I showed you earlier in this speech? Sixty-nine percent of seniors spend less than $1,250 per year on drug costs. Remember also that the premiums are premised on a 80 percent participation rate. I think it is highly doubtful that anywhere near 80 percent of seniors will sign up for either of these plans, and if only those with high drug costs sign up for these plans, then we know what will happen by looking at the current Medigap policies. Only three plans have any prescription drug coverage, and they are expensive because of unfavorable selection. Only 7.4 percent of beneficiaries enrolled in standard Medigap plans were in these drug coverage plans, plans H, I and J.

2350

Now, one way to avoid adverse risk selection in a voluntary benefit system would be to offer the drug benefit for one time only when a beneficiary enrolls in Medicare. Even with that restriction, there would still be some adverse selection in that some seniors already have high drug costs at age 65 when they enter Medicare and would be more likely to join such a program.

Now, this mandatory provision is not in either plan. The authors of the GOP bill recognize the adverse risk selection problem and they try to address it by saying that if a beneficiary does not sign up for the drug insurance program on initial registration for Medicare, then thereafter, when he or she wants to sign up for the drug insurance program, the premium would be ''experience-based'' and potentially more costly. The theory is that the threat of higher premiums would act as an inducement to seniors with no or low drug costs to sign up initially.

Mr. Speaker, if only everyone acted with such prudence now, we would not be dealing with the need for this bill. Unfortunately, the low participation in the current voluntary Medigap programs indicates that unless seniors must sign up initially, a large number will not. They will wait until they need drugs, and then they will complain vociferously to Congress about their high premiums and we will be right back where we started. Since other seniors will have a prescription drug benefit, there will be enormous pressure on legislators to subsidize the seniors who are tardy in signing up for a drug program and that, of course, will significantly increase the cost of the program.

Another way to control adverse risk selection is to try to devise a risk adjustment system. These adjustment systems are very hard to design and implement. It remains to be seen whether risk adjustment systems already on the books for other parts of Medicare are going to work. A similar benefit package helps control adverse risk selection. Consumers are able to select plans based on price and quality rather than benefits. If plans are allowed wide variation in benefits, some plans may be more likely to attract low-cost beneficiaries. The GOP plan has some weak community rating and guaranteed issue provisions in acknowledgment of this problem, but these provisions depend on oversight by a new Medical Benefits Administration, and the Inspector General already tells us how hard it is to oversee adverse risk selection in Medicare HMOs.

We could, of course, mandate enrollment. That was the approach of the Medicare Catastrophic Coverage Act in 1988, and we saw what happened to that law. To say that mandatory enrollment has little appeal to policymakers in an election year I think is an understatement.

Finally, we could avoid adverse selection for a voluntary benefit like prescription drug coverage if we just subsidized the benefits so much that seniors simply share very little of the cost. The benefit becomes cost-effective for the vast majority, regardless of health, because it is such a good deal. But this could lead to a $400 billion or $500 billion subsidy.

It again reminds me of the article by Mr. Rostenkowski. As Rosty said in his op-ed piece, ''The problem was, and still is, a lack of money.'' Yes, we have a projected surplus, but the 10-year costs of a more highly subsidized drug coverage could, in my opinion, even double or triple the cost of both proposals.

There are many reasons why, even in this time of plenty, that is hard to do. First, we have a bipartisan commitment not to use the Social Security surplus funds. Second, we have people in this country that have no insurance at all, much less drug coverage. Third, Medicare is closer to insolvency than it was back in 1988. Should not our first priority be to protect the current Medicare program?

Well, given these constraints, what can we do to help seniors and others with high drug costs? I have a 10-step modest proposal for helping seniors and others with their drug costs.

First, allow qualified Medicare beneficiaries, those QMBs, and specified low-income Medicare beneficiaries, SLIMBs, and qualifying individuals with an additional phaseout group up to 175 percent of poverty to qualify for State Medicaid drug programs. States could continue to use their current administrative structures and implementation could be done quickly. About one-third of Medicare beneficiaries would be eligible, especially those most in need, and the drug benefit would encourage those who qualify to actually sign up. A key feature of this program would be that the State programs are entitled to the best price that the manufacturer offers any purchaser in the United States. Judging from estimates of the bipartisan Medicare Commission, this expansion of benefits would probably cost about $60 billion to $80 billion over 10 years.

Second, Congress could fix the funding formula that puts rural States and certain low reimbursement urban areas at such a disadvantage in attracting Medicare-Plus plans that offer drug coverage.

Third, in response to my constituents who want to purchase their drugs in Canada, Mexico or Europe, we could stop the Food and Drug Administration from intimidating seniors and others with threats of confiscation of their purchases. The FDA has sent notices to people that importing drugs is against the law. The FDA should not send warning notices regarding the importation of a drug without providing to the

person involved a statement of the underlying reasons. The gentleman from Minnesota (Mr. GUTKNECHT), my colleague, has introduced legislation called the Drug Import Fairness Act of 1999, and Congress should pass that common sense legislation.

Fourth I think we should at least fully debate the bill of the gentleman from Maine (Mr. ALLEN), the Prescription Drug Fairness for Seniors Act. The idea is simple. It would allow pharmacists to buy drugs for Medicare beneficiaries at the best price available to the Federal Government, typically the Veterans' Administration price, or the Medicaid price. It creates no new bureaucracy. There is no significant cost to the government. It gives Medicare beneficiaries negotiated lower prices, such as customers of Aetna, Cigna, and other private plans receive the benefit of negotiated lower prices.

Fifth, I think we should enact full tax deductibility for the self-insured retroactive to January 1, 2000.

Sixth, there are 11 million children without any health insurance. Many of them qualify, 7 million of them qualify for Medicaid, and the State Children's Insurance programs. We ought to get those kids in. That gives them prescription drugs as well.

Seventh, many pharmaceutical companies offer programs where they provide drugs free to low-income individuals. These company programs are to be commended, but we need to do a better job, and maybe the FDA could do this, of getting that information to those low-income beneficiaries to take advantage of those pharmaceutical companies' programs.

Eighth, 16 States have pharmaceutical assistance programs targeted to Medicare beneficiaries. Some of these programs could serve as models for State grant programs. The gentleman from Florida (Mr. BILIRAKIS) has a bill that would do this. We ought to look at that. I think the QMB-SLIMB solution is a little quicker and more certainly implemented, but at least we could have a debate on that.

Ninth, I believe that Congress should revise the FDA Reform Act of 1997. At a minimum, drug companies should be required to fully discuss major potential complications of their drugs in their radio and television advertising.

Tenth, finally, I think Congress should actually get signed into law a combination of the above in a bipartisan fashion. Yes, this approach is more limited than either that of President Clinton or the House GOP plan. But a more comprehensive drug plan should, in my opinion, be a part of overall Medicare reform where all of the pieces fit together so as to do no harm to any one part while benefiting another. It will not do Iowa seniors much good to have an unlimited drug benefit if they do not have a local hospital to go to.

Finally, Mr. Speaker, this is a very complicated issue. I believe that we should follow regular order. That means a bill in the hopper, hearings on the bills, subcommittee markups with amendments and debate, full committee markups, all of the committees of jurisdiction looking at the bill. Regular order is not just for the members on the committee, it is for everyone in this House to see the process and to fully understand an issue. I am sorry to say that that regular order is not happening.

Mr. Speaker, we are going to see a bill rushed to the floor next week. I would advise my colleagues to be very careful. I am sure that television archives preserve the image of unhappy Chicago citizens surrounding Dan Rostenkowski's car when he visited a decade ago to explain why he thought the Medicare reform bill was a good bill. Let us continue regular order.

Finally, I remain committed to seeing a bill signed into law. Mr. Speaker, let us just make sure that it is a good one.

Mr. Speaker, this is a photo of William Newton, 74, of Altoona, Iowa, a constituent in my district whose savings vanished when his late wife, Waneta, whose picture he is holding, needed prescription drugs that cost as much as $600 per month.

''She had to have them—there was no choice,'' Newton said. ''It's a very serious situation and it isn't getting any better because drugs keep going up and up.''

When James Weinman of Indianola, Iowa, and his wife, Maxine, make their annual trip to Texas, the two take a side trip as well. They cross the border to Mexico and load up on prescription drugs, which aren't covered under their Medigap policies. Their prescription drugs cost less than half as much in Mexico as they cost in Iowa.

This problem isn't localized to Iowa. It's everywhere. The problem that Dot Lamb, an 86-year-old Portland, Maine, woman who has hypertension, asthma, arthritis and osteoporosis has paying for her prescription drugs is all too common. She takes five prescription drugs that cost over $200 total each month—over 20% of her monthly income. Medicare and her supplemental insurance do not cover prescription drugs.

Mr. Speaker, I recently received this letter from a computer-savvy senior citizen who volunteers at a hospital I worked in before coming to Congress:

''Dear Congressman Ganske . . . after completing a University of Iowa study on Celebrex 200 mg. for arthritis, I got a prescription from my MD and picked it up at the hospital pharmacy. My cost was $2.43 per pill with a volunteer discount!

''Later on the Internet I found the following:

a. I can order [these drugs] through a Canadian pharmacy if I use a doctor certified in Canada or my doctor can order it ''on my behalf'' through his office for 96 cents per pill, plus shipping.

b. I can order [these drugs] through Pharmaworld, in Geneva, Switzerland, after paying either of two American doctors $70 for a phone consultation, at a price of $1.05 per pill, plus handling and shipping.

c. I can send $15 to a Texan and get a phone number at a Mexican pharmacy which will send it without a prescription . . . at a price of 52 cents per pill.

This constituent closes his letter to me by saying, ''I urge you, Dr. Ganske, to pursue the reform of medical costs and stop the outlandish plundering by pharmaceutical companies.''

Well, Mr. Speaker, I want it to be very clear. I am in favor of prescription drugs being more affordable, not just for senior citizens, but for all Americans.

Let's look at the facts of the problem and then discuss some solutions.

There is no question that prices for drugs are rising rapidly. A recent report found that the prices of the 50 top-selling drugs for seniors rose much faster than inflation. 33 of the 50 drugs rose in price at least one and one-half times inflation. Half of the drugs rose at least twice as fast as inflation. Sixteen drugs rose at least three times inflation and twenty percent rose at least four times the rate of inflation.

The prices of some drugs are rising even faster. Furosemide, a generic diuretic, rose 50% in 1999. Klor-con 10, a brand name drug, rose 43.8%.

This was not a one-year phenomenon. 39 of these fifty drugs have been on the market for at least 6 years. The prices of three-fourths of this group rose at least 1.5 times inflation, over half rose at twice inflation, more than 25% increased at three times inflation and six drugs at over five times inflation. Lorazepam rose 27 times inflation and furosemide 14 times inflation!

Prilosec is one of the two top-selling drugs prescribed for seniors. The annual cost for this 20-milligram gastrointestinal drug, unless you have some type of drug discount, is $1,455. For a widow at 150% of poverty ($12,525 income per year), the annual cost of Prilosec alone will consume more than one in nine dollars of the senior's total budget. (chart)

My friend from Des Moines, the Iowa Lutheran Hospital volunteer senior citizen, as do the Weinman's from Indianola from their shopping trips in Mexico for prescription drugs, knows that drug prices are much higher in the United States than they are in other countries.

A story from USA Today comparing U.S. drug prices to prices in Canada, Great Britain, and Australia for the test best-selling drugs, verifies that drug prices are higher here in the U.S. than overseas. For example, Prilosec is two to two-and-one-half times as expensive in the U.S.; Prozac was two to two-and-three-quarters as expensive; Lipitor was 50 to 92% more expensive; and Prevacid was as much as four times more expensive. Only one drug, Epogen, was cheaper in the U.S. than in other countries.

High drug prices have been a problem for the past decade. Two GAO studies, from 1992 and 1994, showed the same results. Comparing prices for 121 drugs sold in the U.S. and Canada, prices for 98 of the drugs were higher in the U.S. Comparing 77 drugs sold in the U.S. and the United Kingdom, 86% of the drugs were priced higher in the U.S. and three out of five were more than twice as high.

The drug companies claim that drug prices are so high because of research and development costs. And, I do want to say that there is great need for research. For example, around the world we are seeing an explosion of antibiotic resistant bacteria, like tuberculosis, for which we will need research and development for new drugs. A new report by the World Health Organization outlines this concern about infectious diseases.

However, data from PhRMA, the pharmaceutical trade organization, that I saw presented in Chicago about one month ago, showed little increase in R&D, especially in comparison to significant increases in advertising and marketing by the pharmaceutical companies. Since the 1997 FDA reform bill, advertising by drug companies has gotten so ubiquitous that Healthline recently reported that consumers watch, on average, nine prescription drug commercials a day!

Look at this chart which shows 1998 figures for the big drug companies. In every case, marketing, advertising, sales, and administrative costs exceed research and development costs. In 1999, four of the five companies with the highest revenues spent at least twice as much on marketing, advertising and administration as they spent on research and development. Only one of the top ten drug companies spent more on R&D than on marketing, advertising, and administration. Administration costs haven't increased much—the real increase has been in advertising.

For the manufacturers of the top 50 drugs sold to seniors, profit margins are more than triple the profit rates of other Fortune 500 companies. The drug manufacturers have a profit rate of 18% compared to approximately 5% for other Fortune 500 companies. Furthermore, as recently cited in the New York Times, of the 14 most medically significant drugs developed in the past 25 years, 11 had significant government financed research. For example, Taxol is a drug developed from government funded research which earns its manufacturer, Bristol-Myers-Squib, millions of dollars each year.

As I said at the start of this Special Orders speech, I think the high cost of drugs is a problem for all Americans, not just the elderly, but many non-seniors are in employer plans and get a prescription drug discount. In addition, there is no doubt that the older one is, the more likely the need for prescription drugs. So let us look at what type of drug coverage is available to senior citizens today.

Medicare pays for drugs that are part of treatment when the senior citizen is a patient in a hospital or skilled nursing facility. Medicare pays doctors for drugs that cannot be ''self-administered'' by patients, i.e. drugs that require intramuscular or intravenous administration. Medicare also pays for a few other outpatient drugs such as drugs to prevent rejection of organ transplants, medicine to prevent anemia in dialysis patients, and oral anticancer drugs. The program also covers pneumonia, hepatitis, and influenza vaccines. The beneficiary is responsible for 20% of the coinsurance for these drugs.

About 90% of Medicare beneficiaries have some form of private or public coverage to supplement Medicare, but many with supplementary coverage have either limited or no protection against prescription drug costs, those drugs one buys in a pharmacy with a prescription from your doctor.

Since the early 1980's Medicare beneficiaries in some parts of the country have been able to enroll in HMOs which provide prescription drug benefits. Medicare pays the HMOs a monthly dollar amount for each enrollee. Some areas like Iowa have had such low payment rates that no HMOs with drug coverage are available. This is typically a rural problem, but some metro areas also have inequitably low reimbursements.

Parenthetically, I have led the fight to improve these unfair payment rates which allow seniors living in Miami, for example, to get drug benefits that seniors living anywhere in Iowa or Nebraska or Minnesota don't. But I'll return to this issue later.

Employers may offer their retirees health benefits that include prescription drugs but fewer are doing so. From 1993–1997, prescription drug coverage of Medicare-eligible retirees dropped from 63% to 48%.

Beneficiaries with Medigap insurance typically have coverage for Medicare's deductibles and coinsurance, but only three of the ten standard plans offer drug coverage. All three impose a $250 deductible. Plans H and I cover 50% of the charges up to a maximum benefit of $1,250. Plan J covers 50% of the charges up to a maximum benefit of 3,000. The premiums for these plans are significantly higher than the other seven Medigap plans because of the cost of the drug benefit.

This chart shows the difference in annual cost to a 65-year-old woman for a Medigap policy with or without a drug benefit. For a Medigap policy of moderate coverage, she pays $1,320 without a drug benefit and $1,917 for a policy with a drug benefit. For extensive coverage, she would pay $1,524 for insurance without drugs and $3,252 for insurance with drug coverage.

Why is there such a price gap? Because the drugs benefit is voluntary. Only those persons who expect to actually use a significant quantity of prescriptions purchase a Medigap policy with drug coverage. But, because only those with high costs choose that option, the premiums must be high to cover the costs of a high average expenditure for drugs. What is the lesson we can learn from the current program? Adverse selection tends to drive up the per capita cost of coverage—unless the Federal treasury simply subsidizes lower premiums.

The very low-income elderly and disabled Medicare beneficiaries are also eligible for payments of their deductibles and coinsurance by their state's Medicaid program. For these ''dual eligibles,'' the most important service paid for entirely by Medicaid is frequently the prescription drug plans offered by all states under their Medicaid plans.

There are several groups of Medicare beneficiaries who have more limited Medicaid protection:

Qualified Medicare Beneficiaries (QMBs) have incomes below the poverty line ($8,240 single, $11,060 couple) and assets below $4,000 single/$6,000 couple. Medicaid pays their deductible and premiums.

Specified Low-Income Medicare Beneficiaries (SLIMBs) have incomes up to 120% of the poverty line and Medicaid pays their Medicare Part B premium.

Qualifying Individuals (QI–1) have income between 120% and 135% of poverty. Medicaid pays only their Part B premium, but not deductibles.

Qualifying Individuals (QI–2) have income between 135% of 174% of poverty. Medicaid pays part of the Part B premiums.

QMBs and SLIMBs are not entitled to Medicaid's prescription drug benefit unless they are also eligible for full Medicaid coverage under their state's Medicaid program. QI–1s and QI–2s are never entitled to Medicaid drug coverage.

A 1999 HCFA report showed that, despite a variety of potential sources of coverage for prescription drug costs, beneficiaries still pay a significant proportion of drug costs out-of-pocket and about one-third of Medicare beneficiaries had no coverage at all.

It is also important to look at the distribution of Medicare enrollees by total annual prescription drug expenditure. This information will determine, based on the cost of the benefit, how many Medicare beneficiaries will consider the premium cost of a ''voluntary'' drug benefit insurance policy ''worth it.''

This chart from the Medicare Payment Advisory Commission (MedPAC) report to Congress shows that in 1999, 14% of those in Medicare had no drug expenditures and 36% had expenditures of $1 to $500. 19% had drug expenditures from $500 to $1,000, 12% from $1,000 to $1,500, 14% from $1,500 to $3,000 and 6% over $3,000.

Please note that 50% of those in Medicare had drug expenditures of less than $500 per year, and 69% had drug expenses less than $1,000 per year.

As we look at plans to change Medicare to better cover the cost of prescription drugs, we face some difficult choices for which there is currently no public consensus or, for that matter, among policy makers.

There are many questions to answer. Here are a few: First, should coverage be extended to the entire Medicare population or targeted toward the elderly widow who isn't so poor that she's in Medicaid but is having to choose between her rent, food, and drugs? Should the benefit be comprehensive or catastrophic? Should the drug benefit be defined? What is the right level of beneficiary cost-sharing? Should the subsidies be given to the beneficiaries or directly to the insurers? How much money can the Federal Treasury devote to this subsidy? Can we really predict the future cost of the benefit?

The desire to add a prescription drug benefit is not new. It was discussed at the inception of Medicare back in 1965 and many times since. The reason why adding a prescription benefit is such a ''hot'' issue is that here has been an explosion in new drugs available, huge increases in demand for these drugs, and significant increase in the cost of these drugs in just the past few years. Many of these drugs are life-preserving as with those that my own father takes.

Before I discuss the Democratic and Republican proposals, I think it is instructive to look at what happened the last time Congress tried to do something about prescription drugs in Medicare. This is because the outcome of reform in 1988 has seared itself into the minds of the policy makers who were in Congress then and are committee chairs now. The Medicare Catastrophic Coverage Act of 1988 (MCCA) would have phased in catastrophic prescription drug coverage as part of a larger package of benefit improvements.

Under MCCA, catastrophic prescription drug coverage would have been available in 1991 for all outpatient drugs, subject to a $600 deductible and 50% coinsurance. The benefit was to be financed through a mandatory combination of an increase in the Part B premium and a portion of the new supplemental premium which was to be imposed on higher income enrollees. It is also important to note that CBO estimated the cost at $5.7 billion. Only six months later the cost estimates had more than doubled because both the average number of prescriptions used by enrollees and

the average price had risen more than previously estimated.

The plan passed the House by a margin of 328 to 72 and President Reagan enthusiastically signed into law this largest expansion of Medicare in history.

The only problem was that once seniors learned their premiums were going up, they hated the bill! They even started demonstrating against it. Scenes of Gray Panthers hurtling themselves onto Ways and Means Chairman Dan Rostenkowski's car were broadcast to the nation. Angry phone calls from senior citizens flooded the Capitol switchboards.

So, the very next year the House voted 360 to 66 to repeal the Medical Catastrophic Coverage Act of 1988 and President Bush then signed the largest cut in Medicare benefits in history.

This experience left scars on the political process that are evident in today's Democratic and Republican proposals. What was the lesson? Well, Dan Rostenkowski wrote an article for the Wall Street Journal on January 17 this year that should be required reading for every member of this Congress. His most important point was this:

The 1988 plan was financed by a premium increase for all Medicare beneficiaries. Rosty says in this op-ed piece, ''We adopted a principle universally accepted in the private insurance industry. People pay premiums today for benefits they may receive tomorrow.'' Apparently the voters didn't agree with those principles. By the way, the title of his op-ed piece is Seniors Won't Swallow Medicare Drug Benefits. Former Ways and Means Chairman Rostenkowski doesn't think seniors have changed since 1988.

Apparently, the drafters of the Democratic and Republican bills agree with him because the key point of the spokesman for each of these bills makes to seniors is that their respective plans are voluntary.

There are shortcomings in both plans but before I briefly describe each plan, let me acknowledge the hard work that some members have put into these bills. The House Republican plan is estimated to cost seniors $35 to $40 a month in 2003 with possible projected rises of 15% a year. Premiums could vary among plans. There would be no defined benefit plan and insurers could offer alternatives of ''equivalent value.'' There would be a $250 deductible and the plan would then pay half of the next $2,100 in drug costs. After that expense, patients are on their own until out-of-pocket expenses reach $6,000 a year, when the government pays the rest.

The GOP plan would pay subsidies to insurance companies for people with high drug costs. If subscribers didn't have a choice of at least two private drug plans then a ''government'' plan would be available. A new bureaucracy called the Medical Benefits Administration would oversee these private drug insurance plans.

Under the Republican plan, the government would pay for all the premium and nearly all the beneficiary's share of covered drug costs for people with incomes under 135%. For people with incomes from 135% to 150% of the poverty level, premium support would be phased out. It is assumed that drug insurers would use generic drugs to control costs.

The cost of the GOP plan is estimated to be $37.5 billion over five years and about $150 billion over ten years, though the Congressional Budget Office is having a hard time predicting costs because there is no standard benefit definition.

The premiums under the Clinton Plan were estimated to cost those seniors who sign up, remember this is a voluntary plan like the GOP plan, $24 a month in 2003, rising to $51 a month in 2010. However, the Clinton Administration now talks about adding $35 billion in expenses for a catastrophic component like the GOP plan, which would make premiums higher.

Under the Clinton Plan, Medicare would pay half of the cost of each prescription and there would be no deductible. Maximum federal payment would be $1,000 (for $2,000 worth of drugs) in 2003, rising to $2,500 (for $5,000 worth of drugs) in 2009.

The government would assume the financial risk for prescription drug insurance, but it would hire private companies to administer benefits and negotiate discounts from drug manufacturers. It would aid the poor similarly to the GOP House bill and would try to control costs by the use of pharmaceutical benefit managers (PBMs). (As pharmaceutical companies buy up these PBMs one wonders about conflicts of interest and whether any discounts will really occur.)

Here is a crucial point. In order to cushion the costs of the sicker with premiums from the healthier, both plans calculate premiums premised on about 80% participation of all those in Medicare.

The partisan attacks on the Clinton plan and on the GOP plan are already starting. Democrats say, ''Republicans are putting seniors in HMOs. HMOs provide terrible care and this isn't fair to seniors.'' Republicans say, ''The Democratic plan is a one-size-fits all plan that is too restrictive and puts politicians and Washington bureaucrats in control.''

I could criticize each in depth, but don't have that much time tonight. Suffice it is to say that the details of each of these plans is very important as to how they would work, for that matter, if they would actually work. The GOP bill's legislative language just became available Thursday and so I have been reading this 150-page document over the past few days.

I believe that if you let plans design all sorts of benefit packages, as does the GOP plan, it becomes very difficult for seniors to be able to compare apples to apples, to compare equivalency of plans in terms of value. I also think that plans can tailor benefits to cherry-pick healthier, less expensive seniors and game the system. Representatives of the insurance industry seemed to share that opinion in a hearing before my committee. In my opinion, a defined benefit package would be better.

I have concerns about the financial incentives that the House Republican bill would offer insurers to enter markets in which no drug plans were available. Would these incentives encourage insurers to hold out for more money?

I have doubts that the private insurance industry will ever offer drug-only plans. In testimony before my committee, Chip Kahn, President of the Health Insurance Association of America, testified that drug-only plans will not work.

In testimony before the Commerce Committee on June 13, 2000, Mr. Kahn said, ''Private drug-only coverage would have to clear insurmountable financial regulatory, and administrative hurdles simply to get to market. Assuming that it did, the pressures of ever-increasing drug costs, the predictability of drug expenses, and the likelihood that the people most likely to purchase this coverage will be the people anticipating the highest drug claims would make drug-only coverage virtually impossible for insurers to offer a plan to seniors at an affordable premium.''

Mr. Kahn predicted that few, if any, insurers would offer this type of product.

I could similarly criticize several particulars of the Democratic bill but, in the spirit of bipartisanship, I want to expand on what I think is the fundamental flaw of both plans and that is what is called ''adverse risk selection.''

If the Clinton Plan has comparable costs for a stop-loss provision of catastrophic expenses, the premium costs will be comparable to the GOP plan. Under these bills, a person who signs up for drug insurance will pay about $40 per month, or roughly $500 per year. After first $250 out-of-pocket drug costs (deductible), the enrollee would need to have twice $500 in drug costs ($1,000) in order to be getting a benefit that is worth more than the cost of the premiums for the year. Put another way, the enrollee must have $250 plus $1,000, or $1,250, in annual drug costs in order to get half of the rest of his drug expenses, up to a maximum of $2,100, paid for by the plan.

Who will then sign up for these plans? Those seniors with over $1,250 in annual drug expenses. Those with less would end up paying more in premiums than they are currently paying. Remember the MedPAC data from last year that I showed you earlier in this speech? 69% of seniors spend less than $1,250 per year on drug costs.

Remember also that the premiums are premised on an 80% participation rate. I think it highly doubtful that anywhere near 80% of seniors will sign up for either of these plans. And if only those with high drug costs sign up for these plans, then we know what will happen by looking at the current Medigap policies. Only three plans have any prescription drug coverage, and they are expensive because of unfavorable selection. Only 7.4% of beneficiaries enrolled in standard Medigap plans were in these drug coverage plans (plans H, I, and J).

One way to avoid adverse risk selection in a voluntary benefit system would be to offer the drug benefit for one time only when a beneficiary enrolls in Medicare. Even with this restriction, there would still be some adverse selection in that some seniors already have high drug costs at age 65 and would be more likely to join such a program. This provision is not in either plan.

The authors of the GOP bill recognize the adverse risk selection problem. They try to address it by saying that if a beneficiary doesn't sign up for the drug insurance program on initial registration for Medicare, then, thereafter when he or she wants to sign up for the drug insurance program, the premium would be ''experienced based'' and potentially more costly. The theory is that the threat of higher premiums would act as an inducement for seniors with no or low drug costs to sign up initially.

If everyone had already acted with such prudence, we wouldn't be dealing with this bill. Unfortunately, the low participation in the current voluntary Medigap programs indicates

that unless seniors must sign up initially, a large number won't. They'll wait until they need drugs, and then complain vociferously to Congress about their high premiums and we'll be back where we started. Since other seniors will have a prescription drug benefit, there will be enormous pressure on legislators to further subsidize the seniors who are tardy in signing up for a drug program. This, of course, will significantly increase the cost of the program.

Another way to control adverse risk selection is to try to devise a risk-adjustment system. These adjustment systems are very hard to design and implement. It remains to be seen whether risk-adjustment systems already on the books for other parts of Medicare are really going to work.

A similar benefit package helps control adverse risk selection. Consumers are able to select plans based on price and quality, rather than benefits. If plans are allowed wide variation in benefits, some plans may be more likely to attract low-cost beneficiaries. The GOP plan has some weak community rating and guaranteed issue provisions in acknowledgment of this problem, but these provisions depend on oversight by the new Medical Benefits Administration and the Inspector General already tells us how hard it is to oversee adverse risk selection in Medicare HMOs.

One sure way to avoid adverse risk selection would be to mandate enrollment. This of course was the approach of the Medicare Catastrophic Coverage Act of 1988 and we saw what happened to that law. To say that mandatory enrollment has little appeal to policy makers in an election year is an understatement.

Finally, we could avoid adverse selection for a ''voluntary'' benefit like prescription drug coverage if we subsidize the benefit so much that seniors simply share very little of the cost. The benefit then becomes cost-effective for the vast majority to participate, regardless of health, because it is such a good deal.

But a $400 or $500 billion subsidy reminds me again of the article by Mr. Rostenkowski. As Rosty says in his op-ed piece. ''The problem was, and still is, a lack of money.'' Yes, we have a projected surplus, but the ten-year costs of more highly subsidized drug coverage could, in my opinion, easily double or even triple the projected costs of both proposals.

There are several reasons why, even in this time of plenty, this is very difficult to do. First, we have made a bipartisan commitment not to use Social Security surplus funds. Second, there are people who have no health insurance at all, much less prescription drug coverage. Should we expand coverage for some while the totally unprotected group grows? Third, Medicare is closer to insolvency than it was back in 1988. Shouldn't our first priority be to protect the current Medicare program?

Given these constraints, what can we do to help seniors and others with high drug costs? Here's a 10-step modest proposal for helping seniors and others with their drug costs:

1. Allow Qualified Medicare Beneficiaries (QMBs), Specified Low Income Medicare Beneficiaries (SLIMBs) and Qualifying Individual (QI–1&2) with an additional phase-out group to 175% of poverty to qualify for state Medicaid drug programs. States could continue to use their current administrative structures and implementation could be done quickly. About a third of Medicare beneficiaries would be eligible, especially those most in need, and the drug benefit would encourage those who qualify to sign up. A key feature of this program would be that the State programs are entitled to the best price that the manufacturer offers to any purchaser in the United States. Judging from estimates of the Bipartisan Medicare Commission, this expansion of benefits would probably cost about $60–80 billion over ten years.

2. Congress should fix the funding formula (the Annual Adjusted Per Capita Cost—AAPCC) that puts rural states and certain low-reimbursement urban areas at such a disadvantage in attracting Medicare-Plus plans that offer drug coverage. The GOP plan increases the floor to $450, but this increase is grossly inadequate. Testimony from the executive director of the American Association of Health Plans indicates that Medicare HMOs are leaving markets where the payment is already $550. We should raise the floor to a minimum of $600 per month per beneficiary, and not do an across-the-board increase in payment which would disproportionately increase reimbursement to areas with AAPCCs already over $780.

3. In response to my constituents who want to purchase their drugs in Canada, Mexico, or Europe, we should stop the Food and Drug Administration from intimidating seniors and others with threats of confiscation of their purchases. The FDA has sent notices to people that importing drugs is against the law. The FDA should not send a warning notice regarding the importation of a drug without providing to the person involved a statement of the underlying reasons for the notice. Mr. GUTKNECHT, my colleague from Minnesota, has introduced legislation called the ''Drug Import Fairness Act of 1999'', H.R. 3240, and Congress should pass this common sense provision.

4. Congress should at least fully debate Congressman TOM ALLEN's bill, the Prescription Drug Fairness for Seniors Act, H.R. 664. The idea is simple. It would allow pharmacists to buy drugs for Medicare beneficiaries at the best prices available to the federal government, typically the Veterans Administration price or the Medicaid price. It creates no new bureaucracy. There is no significant cost to the government. It gives Medicare beneficiaries negotiated lower prices, just as customers of Aetna, Cigna and other private plans receive the benefit of negotiated lower prices.

5. Congress should enact full tax deductibility retroactive to January 1, 2000, for the self-insured. It isn't just seniors that have medical expenses. 40 million Americans have no insurance at all, much less prescription drug coverage. We should devote at least $40 billion over ten years to this problem.

6. There are 11 million children without any health insurance and, of course, no prescription drug coverage. Roughly 7 million of these kids already qualify for Medicaid or the State Child Health Insurance Program which do provide prescription drug services. These children should be enrolled. This requires a commitment on the part of the federal government to find these individuals and get them signed up. We need to streamline the system to help these states.

7. Many pharmaceutical companies do have programs where they provide drugs to low income individuals free of charge. These company programs are to be commended but most people who meet the company requirements don't know about these programs. Both physicians and patients need to be better educated to take advantage of free or discontinued drugs.

8. Currently 16 states have pharmaceutical assistance programs targeted to Medicare beneficiaries. Some of these programs could serve as models for state grant program options Congressmen MIKE BILIRAKIS and COLLIN PETERSON have introduced H.R. 2925, the Medicare Beneficiary Prescription Drug Assistance and Stop-loss Protection Act of 1999 which encourages states to expand their drug assistance programs with federal matching funds and assistance to beneficiaries up to 200% of poverty. I think QMB, SLMB solution would work quicker and more certainly, but this option deserves a more complete debate than it has received.

9. I believe that Congress should revise the FDA Reform Act of 1997 and restrict direct marketing to consumers by the pharmaceutical companies. There is no question that seniors are being bombarded with ads on the latest, greatest new drug with very little data on contraindications, alternatives, and potential complications, much less cost. At a minimum, drug companies should be required to fully discuss their major potential complications of these drugs in their radio and T.V. advertising.

10. Finally, I think Congress could actually get signed into law a combination of the above in a bipartisan fashion. Yes, this approach is more limited than either the Clinton plan or the House GOP plan. However, a more comprehensive drug plan should, in my opinion, be a part of over-all Medicare reform where all the pieces fit together so as to do no harm to one part while benefiting another. It won't do Iowa seniors much good to have an unlimited drug benefit if they don't have a local hospital to go to.

This prescription drug issue is complicated. As I said at the beginning of this speech, there is little consensus yet on some of the most important provisions. Furthermore, a reform like this truly should be a bipartisan effort, with more than just a few members of the other party signed on to a bill.

For a long time, in its wisdom, Congress has gone through ''regular order'' in legislating. This means a bill with all its details dropped in the bin and made public. Hearings on the bill's particulars, comparisons of language and the implications of legislative language. Subcommittee mark-ups with amendments and debate. Full committee mark-ups with amendments and debate. All committees of jurisdiction weighing in and marking up the bill. Rules that allow full debate on the floor.

''Regular order'' isn't just for the members of the committees of jurisdiction, it is really for the other members so that they can watch and learn and make sure that an issue is fully vetted before they vote on it.

I am sorry to say that on this very important issue, ''regular order'' is not being followed

and for political reasons a bill is being rushed to the floor. I would advise my colleagues to be very careful. I am sure that television archives preserve the image of unhappy Chicago senior citizens surrounding Dan Rostenkowski's car when he visited a decade ago to explain why he thought the Medicare reform bill then was a good deal. That tape is a warning to any politician who deviates from ''regular order'' and doesn't pay attention to the lessons of the past.

As for me, I will find it very difficult to vote for a bill of this magnitude that doesn't go through regular order. That means a chance to improve it in the Commerce Committee. Regardless of what happens in the next week, I remain committed to seeing a bill signed into law. Let's just make sure that it is a good one.