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No. 85

House of Representatives

The House met at 10 a.m.

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

As Independence Day approaches this Millennium Year, we praise You and bless You, Lord God, for the birth, life, and continuing development of this great Nation, the United States of America.

Whenever and wherever in the course of human events courage and commitment cause a people to take a stand on self-evident truths, we rejoice. Before You and in You, the Creator, all are created equal.

Endowed by You, the Creator, with certain unalienable rights; we as a people accept as well certain responsibilities to protect and defend always for ourselves and for others life, liberty and the pursuit of happiness.

With a firm reliance on the protection of Your Divine Providence, we renew our pledge today to serve this Nation, knowing full well that the power of this assembly is derived from the consent of the governed.

In You we place our solemn trust, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TURNER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

H. Con. Res. 333. Concurrent resolution providing for the acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall, and for other purposes.

H. Con. Res. 344. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh.

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

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. Con. Res. 125. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1515) "An Act to amend the Radiation Exposure Compensation Act, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PARTIAL BIRTH ABORTION DECISION

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

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday the Supreme Court, by the narrowest of margins, ruled that the Nebraska law banning partial birth abortion was unconstitutional. Actually, partial birth abortion is not an abortion. It is a pre-term delivery that results in infanticide.

Partial-birth abortion is so gruesome and barbaric that it is beyond the pale of any nation wishing to be known as civilized. It is in every case unjustifiable. It is in no case the lesser of two evils. It violates every principle of dignity, morality, ethics, and law that this Nation has stood for since its founding.

The Supreme Court, acting as an oligarchy of five, has imposed infanticide on a decent nation. Sadly, it is declared the murder of innocent, healthy newborns to be within the bounds of the law.

The court used *Roe v. Wade* as the basis for their decision, showing how radical the *Roe* decision really was. This ruling, like the *Dredd Scott* decision, has excluded a whole class of human beings from constitutional protection.

Shame on the court. This is a dark day for America.

SENIOR CITIZENS SUFFERED BIG LOSS YESTERDAY

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

Mr. TURNER. Mr. Speaker, last night on this floor, the big drug manufacturers won a big victory, and our senior citizens suffered a big loss.

The big drug companies spent \$100 million on a lobbying campaign that paid dividends, but only by a margin of three votes, and only after the rules were manipulated to deny the House Democrats the opportunity to vote on

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H5439

a real plan providing real relief for our seniors who are paying the high cost of prescription drugs.

Looking out for the big drug manufacturers instead of our seniors led our Republican leadership to pass a plan that will funnel hundreds of millions of dollars into the hands of big insurance companies rather than help our seniors afford to pay their medicines.

Even the big insurance companies say it will not work. In fact, the President of Blue Cross/Blue Shield said, and I quote, "This idea of a private sector drug benefit provides false hope to America's seniors because it is neither workable nor affordable." We can do better. Let us work together to be sure we do better. Our seniors deserve no less.

CONGRESS ANSWERED PLEAS OF NEVADA'S SENIORS

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

Mr. GIBBONS. Mr. Speaker, let us come back to reality for a minute. For months now, our seniors have been asking, even begging, for relief from the high cost of prescription drugs that they have to take.

Mr. Speaker, I am proud to stand here in this well and announce that this Republican Congress heard and answered the calls of those senior citizens.

Yesterday, the Republicans passed the Bipartisan Medicare Prescription Drug Benefit plan that will benefit every Medicare senior. Our bipartisan plan provides for a voluntary, affordable, and available prescription drug benefit to all Medicare beneficiaries in need.

We have created a much-needed entitlement for every Medicare beneficiary, which, at the same time, allows seniors to choose the plan they want, and yet keeps Washington out of their medicine cabinets.

While the Democrats took a walk on our seniors yesterday, Republicans are lowering drug prices and providing real prescription drug relief and benefits and yet fighting for our seniors at the same time.

"ROGUE STATES" NOW CALLED "STATES OF CONCERN"

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

Mr. TRAFICANT. Mr. Speaker, I have heard it all. The State Department is doing away with the term "rogue states" for Libya and Iran. They are now called "states of concern".

Now if that is not enough to confuse Henny Youngman, a State Department spokesman said, and I quote, "If these states of concern continue to be of concern because they have no concern

about the concerns that concern America, then we are prepared to go beyond concern."

Beam me up. These double-speaking, bric-a-bracking, ratch-a-fratching, pantaloonicists need their brain examined by a concerned proctologist.

I yield back the concerns for any common sense left at the State Department.

JEWISH PRISONERS IN IRAN

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

Ms. ROS-LEHTINEN. Mr. Speaker, I condemn the government of Iran for its actions against 13 imprisoned Jews.

The official crime that these men have been charged with is espionage on behalf of the United States and Israel, but their real crime was being Jewish in a country that does not tolerate freedom of religion.

The Iranian mullahs have concocted a "show trial" that Joseph Stalin would be proud of, void of any evidence or legitimate legal proceedings.

During this scripted play, nine of the accused were coerced into a nationally televised confession. This staged trial has been running since April without any tangible evidence.

Kept out of the trial are the families of the accused, the press, human rights advocates, and the general public.

These brave and devout men have been in prison for over a year, almost entirely bereft of any kind of legal representation. While this masquerade of a trial will soon conclude, these 13 may soon be executed. The world will be watching and praying that these courageous men will be released.

SHIRAZ 13 VERDICT TO COME ANY DAY

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

Mr. WEINER. Mr. Speaker, on this Independence Day, Americans should keep the Shiraz 13 in our thoughts and prayers. Since March of 1999, the government of Iran has held these people simply because of their religion.

The trial is over, and it looked more like a kangaroo court. The investigator, the prosecutor, and the judge were the same person, someone who is affectionately known in Iran as the butcher.

The verdict will come any day now, and we are all watching. Will this new so-called moderate government of Iran free the Shiraz 13?

Until we know, we should not loosen our import restrictions on Iran on rugs, nuts and caviar which have been authorized to be imported here as of the end of 1999.

This 4th of July, we should send a strong message about where the U.S. Congress stands. Today in the Agri-

culture Appropriations bill, the gentleman from California (Mr. SHERMAN) and I will be offering an amendment to cut the funding from the Agriculture import budget that it takes to implement these loosening of these export quotas. Let us send a message this 4th of July.

TOP TEN REASONS TO VOTE FOR H.R. 1304, QUALITY HEALTH-CARE COALITION ACT OF 2000

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

Mr. BALLENGER. Mr. Speaker, when the doctor cartel bill comes up this afternoon, I will give my colleagues 10 reasons to vote for it.

First, they like what OPEC has done to oil prices.

Second, they think that too many low-income children have health insurance.

They think Americans pay too little for health insurance.

They would like to increase the number of uninsured Americans to a nice round number, say, like 50 million.

They would like to reduce prescription drug coverage among seniors.

They would like to increase out-of-pocket health care cost.

They think that the best way to spend the surplus is on doctors' fees.

They think that people's wages and fringe benefits are just too high and they would like to reduce them.

They think doctors should change patients' medications for political reasons and not for medication.

Finally, they think that the most pressing problem in our health care system today is that doctors make too little money.

I ask my colleagues to watch how they vote on this.

13 JEWISH CITIZENS ARRESTED SOLELY BECAUSE OF RELIGION

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

Mr. SHERMAN. Mr. Speaker, in March of 1999, Iran arrested 13 of its Jewish citizens solely because of their religion. The trial has just concluded, and it was a show trial worthy of Joseph Stalin: no evidence, but confessions, not showing the guilt of the accused, but showing their justified fear.

The prosecutor is also the judge, is also the jury. Of course no one is allowed to view the trial.

□ 1015

These men have been in prison, most of them, for a year and a half, and it is time for Iran to let them go. The charges against them are ridiculous, because in Iran's discriminatory society no one of the Jewish faith would be allowed near anything of national security significance. So certainly the CIA would not hire from this minority group in any search for spies.

The verdict will be issued on Saturday. We in this House must take a stand. The agricultural appropriations bill comes up, and I will have an amendment to deny the use of funds to allow the importation of agricultural products from Iran and, thus, reinstitute the policy of Ronald Reagan to prevent those goods from coming in at this time.

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Mr. Speaker, imagine how many single family homes and apartment buildings could be built for \$1 billion. That is the amount the Inspector General at the Department of Housing and Urban Development reports has been wastefully spent.

In several different reports, the Inspector General details wasteful spending ranging from overpayments to pure abuse. One report identified \$935 million in Federal housing subsidy overpayments during 1998 in HUD's assisted living programs. The overpayments resulted from the HUD's inability to accurately know if recipients qualified based on income or housing benefits. It has been estimated that \$935 million could provide housing assistance to 150,000 needy families.

Another report on a Bronx, New York, housing project uncovered ineligible and unnecessary expenses totaling \$258,000. The audit uncovered expenses totaling \$26,000 that was either unnecessary for the project's operation or not supported by adequate documentation, including \$13,000 for unnecessary telephone charges and \$10,000 for unnecessary cab fares.

The Department of Housing and Urban Development gets my porker of the week award.

PLIGHT OF THE IRAN 13

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

Mrs. LOWEY. Mr. Speaker, I rise today to call attention to the plight of the 13 Iranian Jews that have been held for over a year on trumped-up charges of spying for Israel and the United States. After months of incarceration, coerced confessions and show trials, the fate of these 13 will be decided this weekend by a revolutionary court judge who alone will make a decision whether these 13 will live or die.

The arrest of these innocent people was in itself an outrage, but the Iranian government has doggedly pursued these false charges, denying the defendants representation and visitation from their families, and using them as a pawn in the ongoing ideological tug-of-war of Iran's future.

We have read and heard that the so-called moderates are slowly eroding

the power base of Iran's hard line clerical leadership, but I do not see the evidence. There is no religious freedom in Iran, there is no respect for human rights and due process in Iran, and anti-Semitic, anti-Western scapegoating persists in Iran.

A country like this has no place among the community of nations; and the United States, as the premiere defender of democracy around the world, should make no overtures to welcome Iran. I join my colleagues telling Iran that we are watching.

PRESCRIPTION DRUGS

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

Mr. CALVERT. Mr. Speaker, as co-chairman of the Generic Drug Equity Caucus, I would like to talk about generic drugs and how they make prescription drugs more affordable.

Currently, generics fill over 40 percent of all prescriptions in the United States and are extremely affordable, at only 10 to 15 cents per dollar spent on brand names. The Congressional Budget Office reported in 1994 that generic drug competition results in a cost savings to consumers of \$8 to \$10 billion annually, while meeting the FDA's requirement on bioequivalence, meaning that generics have the exact same effect on the human body as brand names.

Too many of the brand name companies seek to extend their patents, thereby restricting prompt market access by generics and raising drug costs. Americans have a right to be concerned about the high cost of prescription drugs. The solution could be as simple as encouraging the use of generic substitutes and providing co-pay differentials between brand name and generic drugs, and preventing abusive marketing and regulatory practices.

INTERNATIONAL ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, today I want to talk about Marcus Farina, one of the 10,000 American children who have been abducted to foreign countries. Marcus was abducted when he was 5½ years old by his noncustodial father, Sergio Farina. It is believed he was taken to South America.

Mr. Farina picked up Marcus on December 6, 1991, for his first court-ordered unsupervised visit and never returned. Marcus's mother, Patricia Rose Diggs, has been working diligently on this case since his abduction. Evidence came to light that Mr. Farina went to Brazil before he went to Uruguay. It is believed Mr. Farina left Marcus in South America and has traveled without him. He still has family who live in Uruguay, and they have all been interviewed by law enforcement to no avail.

The National Center for Missing and Exploited Children has created a poster on the child, and it now includes an age-progressed picture of Mr. Farina. Mr. Farina is fluent in English, Spanish, and Portuguese and has many friends and contacts throughout South America.

Mr. Speaker, Marcus's mother and others like her need our help. Children deserve and need to grow up with both parents in their lives. I hope that my colleagues will continue to work with me to bring our children home.

GAS CRISIS

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

Mr. CHABOT. Mr. Speaker, the first summer of the new millennium is well under way. Americans have been looking forward to summer vacations with their families all year. Unfortunately, they are discovering that the temperature is not the only thing rising this summer. Across the Nation, gas prices are shooting through the roof; and American families are feeling the pinch in their wallets.

But since the beginning of the gas crisis, the Clinton-Gore administration has been missing in action. In fact, Energy Secretary Bill Richardson even admitted that "we were caught napping." The response of the President's spokesman, Joe Lockhart, to the high prices was, "Prices tend to go up a bit this time of year."

Well, Mr. Speaker, it is high time that Secretary Richardson and the rest of the administration woke up. The Vice President, AL GORE, has long tried to increase gas prices and taxes on gas as a way to get us out of our cars and supposedly to clean up the environment. Well, he is getting his way.

Let us face it, we are not being gouged at the gas pumps, we are being gored.

PRESCRIPTION DRUGS NEEDED

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

Mr. GREEN of Texas. Mr. Speaker, yesterday we witnessed one of the biggest legislative shams of the 106th Congress. This Congress did not pass a prescription drug benefit to help our seniors; we passed an insurance policy.

From the Patient's Bill of Rights to education funding, my colleagues have used Democratic rhetoric to masquerade their bad ideas. They are using the same old strategy, watered-down legislation to ultimately secure its failure.

We did not even get a vote on an alternative. The Republican bill costs seniors more each year, but it gives them less. It was either their way or the highway. Well, our seniors see through this sham, and maybe in November they will give them the highway.

Today, I have seniors from my own district, from my home, visiting D.C. They are from the Magnolia Multipurpose Center in Houston. And I have to tell them that, yes, they now have a benefit; but only if their insurance policy decides to give it to them. And who knows how much it will cost.

Mr. Speaker, we should be providing lifesaving pharmaceuticals to seniors, not an insurance policy. We should be providing a secure, stable and reliable benefit instead of creating a bureaucratic nightmare. And we should be building up Medicare, not tearing it down. Our seniors deserve more than a voucher.

TRUCKERS SUFFERING DUE TO GAS CRISIS

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

Mr. BARTLETT of Maryland. Mr. Speaker, America's truckers are a vital part of our economy. Truckers deliver the food we eat, the clothes we wear, and the materials we use to build our homes.

Unfortunately, for the past several months truckers have been hit particularly hard by rising fuel prices. These outrageous fuel prices are threatening the livelihood of thousands of truckers across the United States. When truckers cannot afford to fill their tanks, they will be forced off the road. Without trucking, commerce in our Nation would grind to a halt. With gas prices continuing their steep rise this summer, an even greater number of truckers are being threatened.

Energy Secretary Bill Richardson has admitted that the Clinton-Gore administration was "caught napping" when it comes to fuel prices. And now the American people are forced to foot the bill for the Clinton-Gore failure. How unfair.

CONDEMNING ACTIONS OF IRANIAN GOVERNMENT

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

Mr. VISLOSKY. Mr. Speaker, I rise today to condemn the actions of the Iranian government against 13 members of that Nation's Jewish community. The citizens arrested over a year ago have been accused of spying for Israel. Ten of the 13 have been in prison since their arrest last year. All have been brought before a court with no jury, in which the judge also serves as the prosecutor, to face accusations that they have not heard, without the assistance of a lawyer or any contact with their families or friends.

This would, unfortunately, not be the first time a show trial in Iran resulted in the deaths of members of the Jewish community. Since the Islamic revolution in 1979, 17 Jews have been executed in Iran. I say it is time for this to stop.

I call on those in Iran who represent reason and reform to intervene and prevent a brutal outcome to this trial.

GAS PRICES SOARING OUT OF CONTROL

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

Mr. SCHAFFER. Mr. Speaker, Americans are taking to the roads for summer vacations. At least that is what they would like to do.

Regrettably, rising gallons prices may keep many Americans from taking summer vacations this year. Gasoline prices are soaring out of control. In the Midwest, those prices are nearing \$2.50 a gallon.

Americans across the Nation are paying for the failed energy policy of the Clinton-Gore administration. Thanks to them, our Nation is more dependent on foreign oil today than it was during the gas crisis of the Carter administration. Worst of all, the President famous for saying "I feel your pain" has an Energy Secretary who admitted he was "caught napping" when the energy crisis hit our Nation.

Well, Secretary Richardson should wake up and pay attention. Americans cannot afford much more of these outrageous gas prices. Americans are tired of getting gored at the pump.

REPEAL GAS TAX DURING GAS CRISIS

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

Mr. KINGSTON. Mr. Speaker, we have a Vice President who wants to do away with the internal combustion engine. And I guess that is fine, for the inventor of the Internet, who thinks all the world should go to the office on the information highway.

But with that information in mind, for the past 7 years we have had an administration that has locked up the strategic oil petroleum reserves in America, choking off our own domestic supply. We have had an administration who has taken great pride in blowing up dams out West, even though we get 10 percent of our energy from hydropower. And we have an administration who has closed off our oil pipelines in Alaska.

As a result, today Americans are paying anywhere from 50 cents to 75 cents to \$1 a gallon higher at the pump. It does not have to be this way. We need to have a coherent, cohesive energy policy that says if we need to be weaned from this evil internal combustion engine, let us do it so we do not have the hardships that we have at the pump for the American middle-class family.

I think we should repeal the 18 cents per-gallon gas tax and give Americans some relief.

GOLDEN OPPORTUNITY FOR PRESCRIPTION DRUG COVERAGE MISSED

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

Ms. DELAURO. Mr. Speaker, yesterday we missed a golden opportunity to make prescription drugs more affordable for America's seniors. We passed a sham Republican leadership bill that fails to give all the seniors the Medicare prescription drug coverage that they so richly deserve.

We need to have a prescription drug benefit that is affordable, that gives doctors the right to prescribe medications, that addresses soaring costs; and yet the proposal yesterday does not accomplish any of those goals. It does not cover all seniors, it does not give doctors and seniors the right to choose the best medications, and it does nothing to address the skyrocketing prices of prescription drugs.

The Democratic plan would provide American seniors with an affordable, voluntary, and reliable prescription drug coverage. The plan is firmly rooted in the Medicare program that seniors know and that they trust. In contrast, the Republican plan is complex, and it is built on an already failing HMO system.

The Republican leadership forced through this plan that gives seniors false promises and false hopes. It might be the right remedy for the insurance companies, but it certainly is the wrong remedy for America's seniors.

□ 1030

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.R. 4461.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 538 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4461

□ 1031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4461) making appropriations for Agriculture,

Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, with Mr. NUSSLE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

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

Mr. Chairman, I am pleased to bring before the House today the fiscal year 2001 appropriations bill for Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

The subcommittee began work on this bill in early February when the administration produced its budget. We have had 11 public hearings, beginning on February 16; and the transcripts of these hearings, the administration's official statements, the detailed budget request, and several thousand questions for the record and the statement of Members and the public are all available in seven hearing volumes.

The subcommittee and full committee marked up the bill on May 4 and May 10 respectfully.

In the allocation process, our discretionary 302(b) allocation and budget authority will be \$14.548 billion and we

are exactly at that level. The allocation for outlays will be \$15.025 billion, and we are slightly below that level.

We have tried very hard to accommodate the requests of Members and to provide increases for critical programs. From all Members of the House, we received about 350 letters with more than 2,900 individual requests for more spending.

I am pleased to inform my colleagues that the interest in additional spending in this bill is completely bipartisan. In spite of a very tight budget situation, we have managed to provide increases over fiscal year 2000 to several important programs. Some of those increases include the Animal and Plant Health Inspection Service, \$32 million; the Food Safety and Inspection Service, \$24.7 million; the Farm Service Agency, \$34 million; the Natural Resources Conservation Service, \$8.6 million; the Rural Community Advancement Program, \$82 million; WIC, \$35 million dollars; and the Food and Drug Administration, a net increase of \$57 million.

Most accounts have been frozen at the previous year's level, and many of those accounts have been at the same level for several years.

Mr. Chairman, we all refer to this bill as an agriculture bill, but it does far more than assisting basic agriculture. It also supports human nutrition; the environment; and food, drug, and medical safety. This is a bill that will deliver benefits to every one of our con-

stituents every day no matter what kind of district they represent.

I would say to all Members that they can support this bill and tell all their constituents that they voted to improve their lives while maintaining fiscal responsibility.

The bill is a bipartisan product with a lot of hard work and input from both sides of the aisle. I would like to thank all my subcommittee colleagues: the gentleman from New York (Mr. WALSH); the gentleman from Arkansas (Mr. DICKEY); the gentleman from Georgia (Mr. KINGSTON); the gentleman from Washington (Mr. NETHERCUTT); the gentleman from Texas (Mr. BONILLA); the gentleman from Iowa (Mr. LATHAM); the gentlewoman from Missouri (Mrs. EMERSON); the chairman of the full committee, the gentleman from Florida (Mr. YOUNG); the gentlewoman from Connecticut (Ms. DELAURO); the gentleman from New York (Mr. HINCHEY); the gentleman from California (Mr. FARR); the gentleman from Florida (Mr. BOYD); and the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full committee.

In particular, I want to thank my good friend the gentlewoman from Ohio (Ms. KAPTUR), the distinguished ranking member of the subcommittee, for all her good work on this bill this year and the years in the past.

Mr. Chairman, I include the following chart for the RECORD:

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	15,435	2,914	2,836	-12,599	-78
Executive Operations:					
Chief Economist	6,408	8,612	6,408		-2,204
National Appeals Division	11,707	12,610	11,718	+ 11	-892
Office of Budget and Program Analysis	6,581	6,765	6,581		-184
Office of the Chief Information Officer	6,046	14,880	10,051	+4,005	-4,629
Office of the Chief Financial Officer	4,783	6,465	4,783		-1,682
Common computing environment		75,000	25,000	+25,000	-50,000
Total, Executive Operations	35,525	124,132	64,541	+29,016	-59,591
Office of the Assistant Secretary for Administration	613	629	613		-16
Agriculture buildings and facilities and rental payments	140,343	182,747	150,343	+10,000	-32,404
Payments to GSA	(115,542)	(125,542)	(125,542)	(+10,000)	
Building operations and maintenance	(24,801)	(31,205)	(24,801)		(-6,404)
Repairs, renovations, and construction		(26,000)			(-26,000)
Hazardous materials management	15,700	30,073	15,700		-14,373
Departmental administration	34,708	40,740	34,708		-6,032
Outreach for socially disadvantaged farmers	3,000	10,000	3,000		-7,000
Office of the Assistant Secretary for Congressional Relations	3,568	3,778	3,568		-210
Office of Communications	8,138	9,031	8,138		-893
Office of the Inspector General	65,087	70,214	65,087		-5,117
Office of the General Counsel	29,194	32,881	29,194		-3,687
Office of the Under Secretary for Research, Education and Economics	540	1,358	540		-818
Economic Research Service	65,363	55,424	66,419	+1,056	+10,995
National Agricultural Statistics Service	99,333	100,615	100,851	+1,518	+236
Census of Agriculture	(16,490)	(15,000)	(15,000)	(-1,490)	
Agricultural Research Service	830,384	894,258	850,384	+20,000	-43,874
Buildings and facilities	52,500	39,300	39,300		
Total, Agricultural Research Service	882,884	933,558	889,684	+6,800	-43,874
Cooperative State Research, Education, and Extension Service:					
Research and education activities	481,881	460,865	477,551	-4,330	+16,886
Native American Institutions Endowment Fund	(4,600)	(7,100)	(7,100)	(+2,500)	
Extension activities	424,174	428,236	428,740	+4,566	+504
Integrated activities	39,541	76,194	39,541		-36,653
Total, Cooperative State Research, Education, and Extension Service	945,596	965,295	945,832	+236	-19,463
Office of the Under Secretary for Marketing and Regulatory Programs	618	635	618		-17
Animal and Plant Health Inspection Service:					
Salaries and expenses	437,768	512,444	470,000	+32,232	-42,444
AQI user fees	(87,000)	(87,000)	(87,000)		
Buildings and facilities	5,200	5,200	5,200		
Total, Animal and Plant Health Inspection Service	442,968	517,644	475,200	+32,232	-42,444
Agricultural Marketing Service:					
Marketing Services	51,497	66,572	56,326	+4,829	-10,246
Standardization user fees	(4,000)	(4,000)	(4,000)		
(Limitation on administrative expenses, from fees collected)	(60,730)	(60,730)	(60,730)		
Funds for strengthening markets, income, and supply (transfer from section 32)	12,428	13,438	13,438	+1,010	
Payments to states and possessions	1,200	1,500	1,500	+300	
Total, Agricultural Marketing Service	65,125	81,510	71,264	+6,139	-10,246
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	26,433	33,549	27,801	+1,368	-5,748
Limitation on inspection and weighing services	(42,557)	(42,557)	(42,557)		
Office of the Under Secretary for Food Safety	446	560	446		-114
Food Safety and Inspection Service	649,119	688,204	673,790	+24,671	-14,414
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)		
Total, Food Safety and Inspection Service	649,119	688,204	673,790	+24,671	-14,414
Total, Production, Processing, and Marketing	3,529,746	3,885,489	3,630,183	+100,437	-255,306
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	572	589	572		-17
Farm Service Agency:					
Salaries and expenses	794,394	828,385	828,385	+33,991	
(Transfer from export loans)	(589)	(589)	(589)		
(Transfer from P.L. 480)	(815)	(815)	(815)		
(Transfer from ACIF)	(209,861)	(265,315)	(265,315)	(+55,454)	
Subtotal, Transfers from program accounts	(211,265)	(266,719)	(266,719)	(+55,454)	
Total, salaries and expenses	(1,005,659)	(1,095,104)	(1,095,104)	(+89,445)	
State mediation grants	3,000	4,000	3,000		-1,000
Dairy indemnity program	450	450	450		
Subtotal, Farm Service Agency	797,844	832,835	831,835	+33,991	-1,000

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct.....	(128,049)	(128,000)	(128,000)	(-49)	.....
Guaranteed.....	(431,373)	(1,000,000)	(1,000,000)	(+ 568,627)	.....
Subtotal	(559,422)	(1,128,000)	(1,128,000)	(+ 568,578)	.....
Farm operating loans:					
Direct.....	(500,000)	(700,000)	(700,000)	(+ 200,000)	.....
Guaranteed unsubsidized.....	(1,697,842)	(2,000,000)	(2,000,000)	(+ 302,158)	.....
Guaranteed subsidized.....	(200,000)	(477,868)	(477,868)	(+ 277,868)	.....
Subtotal	(2,397,842)	(3,177,868)	(3,177,868)	(+ 780,026)	.....
Indian tribe land acquisition loans.....	(1,028)	(2,006)	(2,006)	(+ 978)	.....
Emergency disaster loans.....	(25,000)	(150,064)	(150,064)	(+ 125,064)	.....
Boll weevil eradication loans.....	(100,000)	(100,000)	(100,000)	.....	.....
Total, Loan authorizations.....	(3,083,292)	(4,557,938)	(4,557,938)	(+ 1,474,646)	.....
Loan subsidies:					
Farm ownership loans:					
Direct.....	4,827	13,786	13,786	+ 8,959	.....
Guaranteed.....	2,416	5,100	5,100	+ 2,684	.....
Subtotal	7,243	18,886	18,886	+ 11,643	.....
Farm operating loans:					
Direct.....	29,300	63,140	63,140	+ 33,840	.....
Guaranteed unsubsidized.....	23,940	27,400	27,400	+ 3,460	.....
Guaranteed subsidized.....	17,620	38,994	38,994	+ 21,374	.....
Subtotal	70,860	129,534	129,534	+ 58,674	.....
Indian tribe land acquisition.....	21	323	323	+ 302	.....
Emergency disaster loans.....	3,882	36,811	36,811	+ 32,929	.....
Total, Loan subsidies.....	82,006	185,554	185,554	+ 103,548	.....
ACIF expenses:					
Salaries and expense (transfer to FSA).....	209,861	265,315	265,315	+ 55,454	.....
Administrative expenses.....	4,300	4,139	4,139	-161	.....
Total, ACIF expenses.....	214,161	269,454	269,454	+ 55,293	.....
Total, Agricultural Credit Insurance Fund	296,167	455,008	455,008	+ 158,841	.....
(Loan authorization)	(3,083,292)	(4,557,938)	(4,557,938)	(+ 1,474,646)	.....
Total, Farm Service Agency.....	1,094,011	1,287,843	1,286,843	+ 192,832	-1,000
Risk Management Agency	63,983	67,700	67,700	+ 3,717	.....
Total, Farm Assistance Programs.....	1,158,566	1,356,132	1,355,115	+ 196,549	-1,017
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	710,857	1,727,671	1,727,671	+ 1,016,814	.....
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses.....	30,037,136	27,771,007	27,771,007	-2,266,129	.....
Operations and maintenance for hazardous waste management (limitation on administrative expenses).....	(5,000)	(5,000)	(5,000)	.....	.....
Total, Corporations.....	30,747,993	29,498,678	29,498,678	-1,249,315	.....
Total, title I, Agricultural Programs	35,436,305	34,740,299	34,483,976	-952,329	-256,323
(By transfer)	(211,265)	(266,719)	(266,719)	(+ 55,454)	.....
(Loan authorization)	(3,083,292)	(4,557,938)	(4,557,938)	(+ 1,474,646)	.....
(Limitation on administrative expenses).....	(108,287)	(108,287)	(108,287)	.....	.....
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment.....	693	711	693	.....	-18

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Natural Resources Conservation Service:					
Conservation operations	660,812	747,243	676,812	+ 16,000	-70,431
Watershed surveys and planning	10,368	10,368	10,868	+ 500	+ 500
Watershed and flood prevention operations	91,643	83,423	83,423	-8,220	
Resource conservation and development	35,265	36,265	41,015	+5,750	+4,750
Forestry incentives program	5,377			-5,377	
Total, Natural Resources Conservation Service	803,465	877,299	812,118	+8,653	-65,181
Total, title II, Conservation Programs	804,158	878,010	812,811	+8,653	-65,199
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	588	605	588		-17
Rural Development:					
Rural community advancement program	693,637	762,542	775,837	+ 82,200	+13,295
RD expenses:					
Salaries and expenses		130,371	120,270	+ 120,270	-10,101
(Transfer from RHIF)		(409,233)	(375,879)	(+375,879)	(-33,354)
(Transfer from RDLFP)		(3,640)	(3,337)	(+3,337)	(-303)
(Transfer from RETLP)		(34,718)	(31,046)	(+31,046)	(-3,670)
(Transfer from RTP)		(3,000)	(3,000)	(+3,000)	
Total, RD expenses		(580,960)	(533,532)	(+533,532)	(-47,428)
Total, Rural Development	693,637	892,913	896,107	+202,470	+3,194
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family (sec. 502)	(1,100,000)	(1,300,000)	(1,100,000)		(-200,000)
Unsubsidized guaranteed	(3,200,000)	(3,700,000)	(3,700,000)	(+500,000)	
Housing repair (sec. 504)	(32,396)	(40,000)	(32,396)		(-7,604)
Farm labor (sec. 514)	(25,001)			(-25,001)	
Rental housing (sec. 515)	(114,321)	(120,000)	(114,321)		(-5,679)
Multifamily housing guarantees (sec. 538)	(100,000)	(200,000)	(100,000)		(-100,000)
Site loans (sec. 524)	(5,152)	(5,000)	(5,000)	(-152)	
Multifamily housing credit sales	(1,250)	(5,000)	(1,780)	(+530)	(-3,220)
Single family housing credit sales	(6,253)	(10,000)	(15,000)	(+8,747)	(+5,000)
Self-help housing land development fund	(5,000)	(5,009)	(5,000)		(-9)
Total, Loan authorizations	(4,589,373)	(5,385,009)	(5,073,497)	(+484,124)	(-311,512)
Loan subsidies:					
Single family (sec. 502)	93,830	208,780	176,760	+ 82,930	-32,020
Unsubsidized guaranteed	19,520	44,400	7,400	-12,120	-37,000
Housing repair (sec. 504)	9,900	14,176	11,481	+ 1,581	-2,695
Farm labor (sec. 514)	11,308			-11,308	
Rental housing (sec. 515)	45,363	59,124	56,326	+ 10,963	-2,798
Multifamily housing guarantees (sec. 538)	480	3,040	1,520	+ 1,040	-1,520
Site loans (sec. 524)	4			-4	
Multifamily housing credit sales	494	2,452	874	+ 380	-1,578
Single family housing credit sales	380			-380	
Self-help housing land development fund	281	279	279	-2	
Total, Loan subsidies	181,560	332,251	254,640	+ 73,080	-77,611
RHIF administrative expenses (transfer to RHS)	375,879			-375,879	
RHIF administrative expenses (transfer to RD)		409,233	375,879	+ 375,879	-33,354
Rental assistance program:					
(Sec. 521)	634,100	674,100	650,000	+ 15,900	-24,100
(Sec. 502(c)(5)(D))	5,900	5,900	5,900		
Total, Rental assistance program	640,000	680,000	655,900	+ 15,900	-24,100
Total, Rural Housing Insurance Fund	1,197,439	1,421,484	1,286,419	+ 88,980	-135,065
(Loan authorization)	(4,589,373)	(5,385,009)	(5,073,497)	(+484,124)	(-311,512)
Mutual and self-help housing grants	28,000	40,000	28,000		-12,000
Rural housing assistance grants	45,000	39,000	39,000	-6,000	
Farm labor program account		35,777	30,000	+30,000	-5,777
Subtotal, grants and payments	73,000	114,777	97,000	+24,000	-17,777
RHS expenses:					
Salaries and expenses	61,551			-61,551	
(Transfer from RHIF)	(375,879)			(-375,879)	
Total, RHS expenses	(437,430)			(-437,430)	
Total, Rural Housing Service	1,331,990	1,536,261	1,383,419	+51,429	-152,842
(Loan authorization)	(4,589,373)	(5,385,009)	(5,073,497)	(+484,124)	(-311,512)

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(38,256)	(64,495)	(38,256)	.....	(-26,239)
Loan subsidy	16,615	32,834	19,476	+2,861	-13,358
Administrative expenses (transfer to RBCS)	3,337	.....	.....	-3,337	.....
Administrative expenses (transfer to RD) .....	.....	3,640	3,337	+3,337	-303
Total, Rural Development Loan Fund	19,952	36,474	22,813	+2,861	-13,661
Rural Economic Development Loans Program Account:					
(Loan authorization)	(15,000)	(15,000)	(15,000)	.....	.....
Direct subsidy	3,453	3,911	3,911	+458	.....
Rural cooperative development grants	6,000	11,500	6,500	+500	-5,000
National sheep industry improvement center revolving fund .....	.....	5,000	5,000	+5,000	.....
RBCS expenses:					
Salaries and expenses	24,612	.....	.....	-24,612	.....
(Transfer from RDLFP)	(3,337)	.....	.....	(-3,337)	.....
Total, RBCS expenses	(27,949)	.....	.....	(-27,949)	.....
Total, Rural Business-Cooperative Service	54,017	56,885	38,224	-15,793	-18,661
(By transfer)	(3,337)	.....	.....	(-3,337)	.....
(Loan authorization)	(53,256)	(79,495)	(53,256)	.....	(-26,239)
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5%	(121,500)	(50,000)	(50,000)	(-71,500)	.....
Direct, Municipal rate	(295,000)	(300,000)	(295,000)	.....	(-5,000)
Direct, FFB	(1,700,000)	(800,000)	(800,000)	(-900,000)	.....
Guaranteed .....	.....	(400,000)	(400,000)	(+400,000)	.....
Subtotal	(2,116,500)	(1,550,000)	(1,545,000)	(-571,500)	(-5,000)
Telecommunications:					
Direct, 5%	(75,000)	(75,000)	(75,000)	.....	.....
Direct, Treasury rate	(300,000)	(300,000)	(300,000)	.....	.....
Direct, FFB	(120,000)	(120,000)	(120,000)	.....	.....
Subtotal	(495,000)	(495,000)	(495,000)	.....	.....
Total, Loan authorizations	(2,611,500)	(2,045,000)	(2,040,000)	(-571,500)	(-5,000)
Loan subsidies:					
Electric:					
Direct, 5%	1,095	4,980	4,980	+3,885	.....
Direct, Municipal rate	10,827	20,850	20,480	+8,653	-370
Direct, FFB .....	.....	.....	.....	.....	.....
Guaranteed .....	.....	40	40	+40	.....
Subtotal	11,922	25,870	25,500	+13,578	-370
Telecommunications:					
Direct, 5%	840	7,770	7,770	+6,930	.....
Direct, Treasury rate	2,370	.....	.....	-2,370	.....
Direct, FFB .....	.....	.....	.....	.....	.....
Subtotal	3,210	7,770	7,770	+4,560	.....
Total, Loan subsidies	15,132	33,640	33,270	+18,138	-370
RETLP administrative expenses (transfer to RUS)	31,046	.....	.....	-31,046	.....
RETLP administrative expenses (transfer to RD) .....	.....	34,716	31,046	+31,046	-3,670
Total, Rural Electrification and Telecommunications Loans Program Account	46,178	68,356	64,316	+18,138	-4,040
(Loan authorization)	(2,611,500)	(2,045,000)	(2,040,000)	(-571,500)	(-5,000)
Rural Telephone Bank Program Account:					
(Loan authorization)	(175,000)	(175,000)	(175,000)	.....	.....
Direct loan subsidy	3,290	2,590	2,590	-700	.....
RTP administrative expenses (transfer to RUS)	3,000	.....	.....	-3,000	.....
RTP administrative expenses (transfer to RD) .....	.....	3,000	3,000	+3,000	.....
Total	6,290	5,590	5,590	-700	.....
Distance learning and telemedicine program:					
(Loan authorization)	(200,000)	(400,000)	(400,000)	(+200,000)	.....
Direct loan subsidy	700	.....	.....	-700	.....
Grants	20,000	27,000	19,500	-500	-7,500
Total	20,700	27,000	19,500	-1,200	-7,500

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
RUS expenses:					
Salaries and expenses	34,107	.....	.....	-34,107	.....
(Transfer from RETLP)	(31,046)	.....	.....	(-31,046)	.....
(Transfer from RTP)	(3,000)	.....	.....	(-3,000)	.....
Total, RUS expenses	(68,153)	.....	.....	(-68,153)	.....
Total, Rural Utilities Service	107,275	100,946	89,406	-17,869	-11,540
(By transfer)	(34,046)	.....	.....	(-34,046)	.....
(Loan authorization)	(2,986,500)	(2,620,000)	(2,615,000)	(-371,500)	(-5,000)
Total, title III, Rural Economic and Community Development					
Programs	2,187,507	2,587,610	2,407,744	+220,237	-179,866
(By transfer)	(413,262)	(450,589)	(413,262)	.....	(-37,327)
(Loan authorization)	(7,629,129)	(8,084,504)	(7,741,753)	(+112,624)	(-342,751)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services.....	554	570	554	.....	-16
Food and Nutrition Service:					
Child nutrition programs	4,611,829	4,570,482	4,407,460	-204,369	-163,022
Transfer from section 32.....	4,935,199	4,967,574	5,127,579	+192,380	+160,005
Discretionary spending	7,000	8,000	.....	-7,000	-8,000
Total, Child nutrition programs	9,554,028	9,546,056	9,535,039	-18,989	-11,017
Special supplemental nutrition program for women, infants, and children (WIC).....	4,032,000	4,148,100	4,067,000	+35,000	-81,100
Food stamp program:					
Expenses	19,605,751	19,730,993	19,730,993	+125,242	.....
Reserve	100,000	1,000,000	100,000	.....	-900,000
Nutrition assistance for Puerto Rico	1,268,000	1,301,000	1,301,000	+33,000	.....
The emergency food assistance program	98,000	100,000	100,000	+2,000	.....
Total, Food stamp program.....	21,071,751	22,131,993	21,231,993	+160,242	-900,000
Commodity assistance program	133,300	158,300	138,300	+5,000	-20,000
Food donations programs:					
Needy family program	1,081	1,081	1,081	.....	.....
Elderly feeding program	140,000	150,000	140,000	.....	-10,000
Total, Food donations programs.....	141,081	151,081	141,081	.....	-10,000
Food program administration	111,392	128,558	116,392	+5,000	-12,166
Total, Food and Nutrition Service.....	35,043,552	36,264,088	35,229,805	+186,253	-1,034,283
Total, title IV, Domestic Food Programs.....	35,044,106	36,264,658	35,230,359	+186,253	-1,034,299
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service and General Sales Manager:					
Direct appropriation.....	109,186	113,587	109,186	.....	-4,401
(Transfer from export loans)	(3,231)	(3,231)	(3,231)	.....	.....
(Transfer from P.L. 480)	(1,035)	(1,035)	(1,035)	.....	.....
Total, Program level.....	(113,452)	(117,853)	(113,452)	.....	(-4,401)
Public Law 480 Program and Grant Accounts:					
Title I - Credit sales:					
Program level.....	(176,000)	(180,000)	(180,000)	(+4,000)	.....
Direct loans.....	(145,298)	(159,678)	(159,678)	(+14,380)	.....
Ocean freight differential.....	21,000	20,322	20,322	-678	.....
Title II - Commodities for disposition abroad:					
Program level.....	(800,000)	(837,000)	(800,000)	.....	(-37,000)
Appropriation	800,000	837,000	800,000	.....	-37,000
Loan subsidies.....	119,813	114,186	114,186	-5,627	.....
Salaries and expenses:					
General Sales Manager (transfer to FAS).....	1,035	1,035	1,035	.....	.....
Farm Service Agency (transfer to FSA)	815	815	815	.....	.....
Subtotal	1,850	1,850	1,850	.....	.....
Total, Public Law 480:					
Program level.....	(976,000)	(1,017,000)	(980,000)	(+4,000)	(-37,000)
Appropriation	942,663	973,358	936,358	-6,305	-37,000
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS).....	3,231	3,231	3,231	.....	.....
Farm Service Agency (transfer to FSA)	589	589	589	.....	.....
Total, CCC Export Loans Program Account	3,820	3,820	3,820	.....	.....
Total, title V, Foreign Assistance and Related Programs.....	1,055,669	1,090,765	1,049,364	-6,305	-41,401
(By transfer)	(4,266)	(4,266)	(4,266)

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APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,037,661	1,156,905	1,117,905	+ 80,244	-39,000
Prescription drug user fee act	(145,434)	(149,273)	(149,273)	(+ 3,839)	.....
Subtotal	(1,183,095)	(1,306,178)	(1,267,178)	(+ 84,083)	(-39,000)
Rescission .....	.....	.....	-27,000	-27,000	-27,000
Total, Salaries and expenses (net)	(1,183,095)	(1,306,178)	(1,240,178)	(+ 57,083)	(-66,000)
Export and certification	(4,907)	(5,992)	(5,992)	(+ 1,085)	.....
Limitation on payments to GSA	(99,954)	(104,954)	(104,954)	(+ 5,000)	.....
Buildings and facilities	11,350	31,350	11,350	.....	-20,000
Advance appropriations, FY 2002 .....	.....	23,000	.....	.....	-23,000
Total, Food and Drug Administration	1,049,011	1,211,255	1,102,255	+ 53,244	-109,000
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	63,000	72,000	69,000	+ 6,000	-3,000
Farm Credit Administration (limitation on administrative expenses)	(35,800)	.....	(36,800)	(+ 1,000)	(+ 36,800)
Total, title VI, Related Agencies and Food and Drug Administration	1,112,011	1,283,255	1,171,255	+ 59,244	-112,000
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships	2,000	.....	4,000	+ 2,000	+ 4,000
Loss assistance for apples and potatoes (contingent emergency appropriations) .....	.....	.....	115,000	+ 115,000	+ 115,000
Sec. 388 Fair Act - NH	250	.....	.....	-250	.....
Total, title VII, General provisions	2,250	.....	119,000	+ 116,750	+ 119,000
TITLE VIII					
DEPARTMENT OF AGRICULTURE					
Commodity Credit Corporation					
Crop loss (contingent emergency appropriations)	1,200,000	.....	.....	-1,200,000	.....
Market loss (contingent emergency appropriations)	5,520,351	.....	.....	-5,520,351	.....
Specialty Crops:					
Peanuts (contingent emergency appropriations)	42,000	.....	.....	-42,000	.....
Suspend sugar assessments (contingent emergency appropriations)	42,000	.....	.....	-42,000	.....
Tobacco (contingent emergency appropriations)	326,601	.....	.....	-326,601	.....
Subtotal, Specialty crops	410,601	.....	.....	-410,601	.....
Oilseeds (contingent emergency appropriations)	467,974	.....	.....	-467,974	.....
Livestock and dairy (contingent emergency appropriations)	320,614	.....	.....	-320,614	.....
Upland cotton competitiveness (contingent emergency appropriations)	201,000	.....	.....	-201,000	.....
Extend milk price supports (contingent emergency appropriations)	-102,000	.....	.....	+ 102,000	.....
Crop insurance (contingent emergency appropriations)	400,000	.....	.....	-400,000	.....
Crop insurance discount associated costs (contingent emergency appropriations)	250,000	.....	.....	-250,000	.....
Water and waste loan forgiveness (contingent emergency appropriations)	2,000	.....	.....	-2,000	.....
Trade sanctions reform and export enhancement .....	.....	.....	.....	.....	.....
Total, title VIII	8,670,540	.....	.....	-8,670,540	.....
Grand total:					
New budget (obligational) authority	84,312,546	76,844,597	75,274,509	-9,038,037	-1,570,088
Appropriations	(75,642,006)	(76,821,597)	(75,186,509)	(-455,497)	(-1,635,088)
Rescission .....	.....	.....	(-27,000)	(-27,000)	(-27,000)
Contingent emergency appropriations	(8,670,540)	.....	(115,000)	(-8,555,540)	(+ 115,000)
Advance appropriations .....	.....	(23,000)	.....	.....	(-23,000)
(By transfer)	(628,783)	(721,574)	(684,247)	(+ 55,454)	(-37,327)
(Loan authorization)	(10,712,421)	(12,642,442)	(12,299,691)	(+ 1,587,270)	(-342,751)
(Limitation on administrative expenses)	(144,087)	(108,287)	(145,087)	(+ 1,000)	(+ 36,800)

1/ In addition to appropriation.

NOTE: FY 2000 Enacted budget authority includes the impact of 0.38 percent reduction pursuant to P.L. 106-113.

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

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

Mr. Chairman, I thank the chairman for yielding me the time. I want to say that it is a great pleasure for me to rise today as we bring our bill to the floor, the fiscal year 2001 appropriation for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

I want to also begin by saying that this is the last bill that will be managed by my dear friend and colleague, the gentleman from New Mexico (Mr. SKEEN), as chairman of the subcommittee because his limited subcommittee chairmanship has been reached under current House rules, which I certainly would like to change.

He is and has been such a leader, a fine gentleman in the true sense of the word, a caring chairman, an advocate for America's farmers and ranchers, and a true friend to every single Member of this institution. So I wanted to acknowledge his hard work on this bill. It has been a joy to work with him, and I number these days and years among the most memorable of my own life.

I also want to thank the subcommittee staff: Hank Moore, Martin Delgado, John Ziolkowski, Joanne Orndorf; and our detailees: Anne DuBey and Maureen Holohan; and to the minority staff leader David Reich; and Roger Szemraj of my own staff, for all the hard work that has gone into putting this bill together.

Let me begin by saying that I come to the floor rather conflicted this morning. This is a very, very important bill and one that we will focus on today. But we have just learned that, contrary to an agreement that was reached yesterday, the majority has chosen to place the sanctions language dealing with Cuba and Libya, the issue that we debated for hours here yesterday, into the supplemental appropriation bill, contrary to an agreement that had been reached with the minority.

This is creating a great disarray that I think threatens not just this bill but the supplemental and its ability to move through the Congress and, also, to be signed by the President. There are many programs in there, such as firefighting and so forth, that are needed immediately in the western part of the country.

I would just urge the Majority to remove that sanctions provision from the supplemental legislation. This is a violation of an accord that had been reached with the minority, and it truly places us in a most difficult position as we proceed forward with this bill today.

Now, let me say that this bill deals with the basics of life that touch every American every day, have already touched every one of us as we awakened this morning, the food that we have eaten, the fiber that we wear, the fuel that we use to move vehicles and

in industry, and forest production, all the land and water conservation programs that cover the vast majority of private lands in this country, the stewardship of those lands and the help that goes to those landholders is contained in this legislation.

The food that we ate this morning no doubt was influenced in millions of different ways by the research that has been supported over the years through the U.S. Department of Agriculture. All the marketing programs, the safety that we felt when we ate that food, that the milk was okay and that it was very healthy to eat, the various medicines that we take, our certainty that that medication will do what it says and if there is a side effect that it is labeled. All of the Food and Drug Administration programs come within our jurisdiction.

So this is a very important bill that goes to the center of life in America. And we hope by our example that we can influence the world's people as well.

The bill's spending level is at about a level of \$75.3 billion. Nearly a little more than 80 percent of that, or \$60 billion, is what we call mandatory spending, money that we have for important programs like the Commodity Credit Corporation reimbursements that are central to the operation of our farm assistance programs to those who produce that food, fiber, and forest product. So there is \$27.7 billion in the bill that goes to that major segment of this proposal.

The Food Stamp program, which helps those who cannot afford to feed themselves in this country, \$21.2 billion contained in this bill. An even more important program as Welfare to Work locks in across this country and our feeding kitchens and elderly feeding programs and so forth become short changed.

Our School Lunch program, \$5.4 billion, so that every child in this country will have decent food at least during the week while they are in school, \$5.4 billion, and \$1.5 billion for the School Breakfast program so those littleurchins out there, their brains grow and, as they go to school, they are able to lead healthy lives and that they grow properly.

Our conservation programs, nearly a billion dollars here, working with all the private owners of America to make sure that the land and the water and the ditches and the runoff is handled properly. We are making progress there, but we certainly have a long way to go.

This is an incredible piece of legislation. Of the total amount of spending, \$75.3 billion, the discretionary amount, the part our committee struggles with so greatly, \$14.5 billion is, unfortunately, \$400 million below the spending of the current fiscal year.

This is a very tight bill, hard choices had to be made. In fact, the entire bill is \$400 million below this year's spending when we discount the nearly \$8.7

billion that was provided in emergency assistance last year.

Now, I said that this bill came forward under difficult circumstances. The most recent nick, however, being the fact that the sanctions language was put into the supplemental against the will of the minority and against the agreement that was reached.

The allocation we were given by the Committee on the Budget makes it difficult to detail with responsible priorities submitted by the administration.

We are at least \$1.6 billion in this proposal under the administration's request for all programs and, as I mentioned, \$400 million under last year.

If we look at what was done in the supplemental, which is linked to this bill directly, there was nearly \$400 million in the supplemental that we were expecting to help cushion the cuts and the lack of full support in this bill, and we were told yesterday that that has now been reduced by \$204 million, which means that there is only about \$195 million left in the supplemental, which absolutely underfunds these programs at a time when rural America is just caving under the continuing low price situation, the drought, the high water levels in other parts of the country.

To be underfunding agriculture at a time when rural America is in recession makes absolutely no sense to this Member.

Now, the bill, as best as we were able to try to fund programs that are so necessary, does have some additional problems. For example, in the Animal and Plant Health Inspection Service, we do not provide the resources requested by the President. In fact, we are \$53 million below his request for funds to deal with the growing infestation in this country by invasive species, other pests, and viruses.

For example, in the area of citrus canker in Florida where entire orange and lime crops are threatened, we do not have funding sufficient to deal with the eradication nor with trying to prevent further spread of that particular problem.

The same is true with Pierce's disease in California. The Administration released about \$12 million this past week, but that is not sufficient to deal with the vineyard problems all throughout California. Plum pox in States like Pennsylvania, which are affecting our fruit crops, all of these dollars that were proposed by the minority to try to deal with the Animal and Plant Health Inspection Service have not been fully provided.

I can tell my colleagues that failure to deal with these pests and failure to deal with prevention will mean costs in the future of billions and billions and billions of dollars to deal with something like the Asian Longhorn Beetle, which is destroying our hardwoods in Chicago and in New York. This is not an insignificant issue. It has long-term consequences.

There are cuts in this bill, unfortunately, for the Food for Peace program

\$37 million below the President's request.

□ 1045

We keep saying that access to foreign markets is what will help our farmers recover from low prices, but at the same time we disarm ourselves by failing to provide the level of resources we need to get the job done and move our product into other markets, certainly when we have a surplus, to those people in our country and around the world who remain hungry and in fact in many quarters of the world that are starving.

In this bill also we fail to adequately fund or place restrictions on the use of funds to deal with the problems faced by the most needy and the most powerless people in our country. For example, there are insufficient funds in this bill for the 1890 colleges, those colleges that have been dealing with those historically discriminated against in our society, as we try to spread the knowledge of the Department of Agriculture in all of its different aspects throughout the university and college systems of this country.

Further, the bill prohibits further expansion of the Colonias initiative to deal with the tremendous pollution at the southwestern border of Mexico with Texas, New Mexico, and Arizona.

So there is no additional funding in the bill for that important effort.

Finally, if we think about our food programs in general, the underfunding is largely in the area of food programs, certainly food stamps, our school breakfast, our school lunch, our elderly feeding programs, the Women Infants and Children feeding program.

Totally, the funding in this bill is about a billion dollars under the administration's request.

On the conservation front, which is so important to us, as the most productive land on Earth, the conservation programs are \$65 million below the President's request in what we were able to provide in this bill. With the significant erosion problems, the drought problems and in my part of the country the significant water runoff problems right now, they are having a real impact on our ability to hold soil and prevent leaching into our ditches, rivers and ultimately lakes. These conservation programs are more important than ever.

Now, in terms of the overall bill, while we do not provide all prudent increases that I have just talked about, we do not cut most programs under current operating levels, and we do provide some modest increases in rural economic and community development programs, and we have provided vital support for the Food and Drug Administration.

I would be remiss if I stood on this floor, however, and I did not remind Members that in this supplemental bill, however, there were severe cuts made in important agriculture programs such as the replacement of our

Food and Drug Administration building in Los Angeles. That was cut from the supplemental, and we do not cover it in this bill. We did not provide sufficient funding for our technical assistance providers for our natural resource and conservation programs to help people apply for the Conservation Reserve and Enhancement program, the Wetlands Reserve program, the Conservation Reserve program. This bill, and the supplemental, are underfunded in those areas.

The supplemental, and this bill does not replace the funding for the renovation of the south building here in Washington, D.C. Our own Department of Agriculture, which is very old, gets lots of tourists, lots of visitors and needs to be repaired. Neither in this bill nor in the supplemental are those kinds of concerns taken care of.

We have dozens and dozens of amendments we will be considering today, and I will just end with the request, respectful request of the majority, please do not violate the agreement that was reached with the minority to remove the sanctions language from the supplemental bill. This is going to cause us havoc on the floor here. It is going to cause havoc on the floor of the other body. It was our understanding that the sanctions language for Cuba, for Libya, for North Korea, for Sudan, for Iran, would not be put in the supplemental bill. That was done last night, violating an agreement that Members of the minority party had signed, and I would just beg the leadership of this institution to reconsider that very ill-timed decision.

This bill is too important to be hung up in a partisan war over the sanctions issue on the supplemental bill, and this bill will be held hostage to that debate.

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

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM), a member of the subcommittee.

Mr. LATHAM. Mr. Chairman, I very much appreciate the opportunity to stand here in support of this bill. I think this is an effort that obviously under very tight budget constraints the gentleman from New Mexico (Mr. SKEEN) has done an outstanding job, and I want to commend the chairman, a great leader in agriculture, a good friend to all farmers and ranchers and someone who I admire very much personally, and the gentlewoman from Ohio (Ms. KAPTUR), who I have had the pleasure in working with on various issues.

This bill, I think, does a lot of very, very good things as far as the farm service agencies. The people in our county offices are under tremendous stress today. The workload is unbelievable that they are having to deal with, and they are on the front line of service to our farmers. I am very pleased that the committee has funded to the President's request, and I think we all ways have to look at additional fund-

ing and directing that funding to the local offices rather than the bureaucracy here in Washington.

Agricultural credit programs, \$1.475 billion over last year, and this, I think, is very, very positive; rural housing loan authorizations increased by \$484 million over last year. As far as Iowa, this is very, very good news for us; and I in particular want to thank the chairman for including \$9 million for the National Animal Disease Center to be built in Ames, Iowa.

This is a first step to what I think is an extraordinarily important project as far as animal health, as far as disease research, and really as far as protecting our food supply for the public. This is going to go a long ways. The current facility was built back in the '60s. This is a very, very important project for the whole country but in particular for Iowa. To have this centered in Iowa I think is very, very important, which is obviously the center of livestock production, especially in the pork industry.

One item, it is a small item, but I think very important to a lot of farmers out there to keep them in agriculture, the AgrAbility program we continue to fund at \$3 million. This helps handicapped farmers be able to stay on the farm, be productive, a small program that does so much good for a lot of people who love agriculture, want to stay there. I think this is a very good example of our dollars being used in a very positive way.

In closing, again I want to thank the chairman, the ranking member, the gentlewoman from Ohio (Ms. KAPTUR). The staff has done an outstanding job.

Ms. KAPTUR. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), a very distinguished member of the subcommittee.

Ms. DELAURO. Mr. Chairman, I would like to extend my deep thanks and appreciation to our chairman, the gentleman from New Mexico (Mr. SKEEN), our ranking member, the gentlewoman from Ohio (Ms. KAPTUR), for all of their hard work in crafting this bill. It is a tough job to balance the important priorities that the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies needs to address each and every year. As my colleague, the gentlewoman from Ohio (Ms. KAPTUR) pointed out, this bill really does deal with the basic sustenance of life for folks in our country.

I might add that the unrealistic budget constraints that have been placed on the subcommittee made our work even more difficult, made their work more difficult this year. As always, there was the effort to work together in a bipartisan fashion to try to do what is best for American farmers and for all of America's families. So I think that that, in fact, is a tribute to the chairman and to the ranking member.

Let me add my voice to that of my colleague, the gentlewoman from Ohio

(Ms. KAPTUR), and encourage the majority to please remove the sanctions legislation from the supplemental bill, because it in fact violates the agreement with the minority, and it places enormous restrictions on both this bill and on the supplemental bill.

We did not come here to do harm, especially in light of having an agreement that was made and just willy-nilly violated last evening. That is wrong. We are going to hold up the process in both of these pieces of legislation which contain basic relief and help to farmers in the United States, plus people who are waiting to see what is happening in here for relief of all kinds in both of these two bills.

We have tried to work together under the constraints, as I said, of the budget forces to shortchange a number of important priorities.

The subcommittee has been denied the opportunity to meet America's priorities and reflect the values, to provide a strong safety net for farmers in crisis, to ensure safe foods on America's dinner tables, and to guarantee the proper nutrition for the children and the elderly.

We could have better provided for these priorities if we had a budget resolution that did not put tax cuts for the wealthy above the needs of hard-working, middle-class American families across this country.

Each year contaminated food causes up to 81 million cases of food-borne illnesses, as many as 9,000 deaths. It costs Americans over \$8 billion a year in lost work and medical care. The situation requires decisive action. This bill undermines progress by underfunding the Food Safety and Inspection Service by more than \$14 million. When one wants to take their youngsters out to dinner, they want to know that they are going to go some place and they are going to be safe and sound with whatever they are eating on those tables.

The WIC program guarantees women and children receive solid nutrition and health advice. We could have covered more people if we increased the allocation for the WIC program.

My final comment is that there is a great crisis facing farmers today. They are begging Congress to do something. We must. It is our responsibility. The allocation dealt the subcommittee prevents it from fully addressing the depression-level prices our farmers face.

We need to emphasize Congress' responsibility to ensure the long-term safety and security of all Americans and their families. People deserve our highest commitment to these goals.

Mr. SKEEN. Mr. Chairman, I yield 8 minutes to the gentleman from Georgia (Mr. KINGSTON), a member of our subcommittee.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) for yielding me the time to speak.

Mr. Chairman, I stand in strong support of this bill. I think this bill is philosophically in line with the objec-

tives of this Congress in that it has common sense fiscal responsibility and balances social needs, agriculture-business needs.

This Congress, on a bipartisan basis in 1997, signed off on a budget that said these will be our priorities. We are going to protect and preserve the Social Security system, and we have done that. We now have a surplus in Social Security.

We said, number two, we are going to protect and preserve Medicare, and we have done that. Many of us remember working very hard in somewhat shock after the 1995 Medicare trustee's report came out saying Medicare would be bankrupt in 3 years if we did not act to do something on it.

Well, this Congress on a bipartisan basis did do something, and now we have protected and preserved Medicare.

The next priority is to pay down the debt, and this Congress has paid down over \$350 billion in debt relief. As a result of this fiscal responsibility, this common sense approach to governing, we now have a budget surplus. This surplus, Mr. Chairman, should not be squandered on more government expansion and political initiatives designed to corral in another constituency group. It should be very careful to keep in mind that the money that we spend here in this Chamber does not belong to us. The Government has no money. The money belongs to the people, the hard-working taxpayers. So with that approach in mind, we have a budget here on agriculture and related agencies of about \$76 billion.

Now, half of that money goes to feeding programs, nutrition programs, funding for the poor feeding-type programs, nutrition for the poor, people who are socially disadvantaged. Half the money goes to that.

□ 1100

I make that point, because so many people look at agriculture from the cities and they sneer and they say, \$76 billion for farmers. Guess what? It does not go to farmers. Half of the money goes to children in inner cities, and they need it; the other balance of that goes to, among other agencies, the Food and Drug Administration, very careful, each one of us take medicines, have a loved one that takes medicines. This bill funds that.

Farm service agencies, conservation reserves and also research gets the balance of that money; very few dollars go directly to the farmers.

Let me say something on behalf of America's farmers. We have less than 2 percent of our population today who are directly farming. We have maybe a little bit more, if we count the romantic farmer, and I would say that would be somebody who works in the city and has a 40-hour-a-week job, but they have inherited some land or they have that gnawing that we all have, they want to have a piece of property and they want to work with their hands. They are part-time farmers. They often skew the

statistics of who is out there actually farming and who is not. Certainly if they have some acres under cultivation, it goes into food, it is part of food production.

The true farmers, Mr. Chairman, are less than 2 percent these days and, yet, that small sector of our population feeds 100 percent of us and a great portion of the rest of the world, and we can feed more of the world.

I think that our farmers need eight things as we debate agriculture policy: Number one, they need good credit; number two, they need a crop insurance program that works; number three, they need good conservation programs; number four, they need good specialty programs; number five, they need market relief, international market relief; number six, they need regulatory relief; number seven, they need tax relief; and number eight, they need good basic research.

Mr. Chairman, I wanted to just elaborate a little bit more on this, and I will try to go quickly. We on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies are limited as to what we can do with need number one, credit. But we can work with institutions, and we can work through our other committees.

We can work with the private sector to try to say one of the big things we hear day in and day out from our farmers is the need for long-term credit. Just like any other business, they are at risk. They invest money. The return comes when they harvest, sometimes the return is not there because of disaster, but they need long-term and short-term credit.

Number two, they need a good crop insurance program. A crop insurance program that is based on the cost of production, a crop insurance program that rewards them for good farming practices which reduce losses, and crop insurance that would serve them the same way a commercial business is served by commercial and fire insurance; something that is understandable.

Number three, conservation programs. Just think how much money we could save during a farm disaster, during the time of a drought if we had money available for irrigation systems, smart farming systems, and for building dams. If farmers could get water on a regular basis and get it abundantly and inexpensively, it would truly reduce the costs of farm disasters.

Number four, as I said before, we need specialty programs, good specialty programs. I come from peanut country. It is amazing the number of people that say well, the peanut program is a strange ag program; that is not unusual. A lot of ag programs are very hard and complex to understand. I can say this, do we know what it does? It makes it possible for the young couple to stay on the farm and not move off to Atlanta, Georgia and sell real estate or not to move to Savannah and

become a medical doctor, but it makes it possible for them to have a steady cash flow and stay on the farm.

It makes it possible for the consumers of America to have a cheap and abundant supply of peanuts; the same is true with all the other myriad of specialty programs.

Number five, they need market relief. When we can buy oats at the Port of Brunswick, Georgia cheaper than we can raise them in Millen, Georgia, we have a problem. Even with all the greatest of farm technology, we should be able to grow oats cheaper domestically than importing them. Because some of our international ag competition subsidizes their farmers heavily, it makes our farmers have a disadvantage in the marketplace.

We do need to have market relief. Market promotion is part of that. I love the idea that my district's vidalia onion can be eaten and bought all over the world because they are the best and most delicious onions that have ever been made. We all know that. The folks all over the globe ought to be eating them. We need to have a program that promotes them and lets our farmers develop markets overseas.

Number six, regulatory relief. It is not fair for our farmers to be restricted in what kind of fertilizer, what kind of pesticides they can use when farmers south of the border in Mexico or north of the border in Canada or wherever else can use the same fertilizers that are banned here. We need to work with our international partners. If a fertilizer is bad here, it ought to be bad anywhere in the globe; and we should be protected from those markets dumping on our farmers.

Number seven, tax relief. If we do not have estate or a death tax relief, that farm cannot be passed on to the next generation. It is economically prohibitive.

Number eight, we need good research. This bill will always catch a lot of grief. Oh, they are spending millions or thousands of dollars to study the mating habits of some obscure fly or a worm. That makes a good little press hit and a good humorous article in Reader's Digest or a great one-liner for Jay Leno, but the reality is a lot of the times ag research can save American consumers millions of dollars in lowering the cost of production.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) has 16 minutes remaining and the gentleman from Ohio (Ms. KAPTUR) has 12½ minutes remaining.

Ms. KAPTUR. Mr. Chairman, I reserve the balance of our time, if the gentleman from New Mexico (Mr. SKEEN) would like to call on another speaker so that we are more balanced in our time.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. EWING), the chairman of the Subcommittee on Risk Management, Research and Specialty Crop.

Mr. EWING. Mr. Chairman, I thank the chairman of the Subcommittee on

Agriculture, Rural Development, Food and Drug Administration and Related Agencies for yielding me the time.

Mr. Chairman, I rise today in support of this appropriations bill, H.R. 4461. This committee, the Committee on Appropriations, this Congress, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies have recognized the tremendous problems in American agriculture over the last 3 years.

This bill goes along and provides the additional money which we need in discretionary spending for the year 2001. The bill also provides important funding for initiatives dealing with biotechnology, soybean diseases and aflatoxin and corn; particularly, biotechnology, an issue of critical importance to our farmers in America and our trading partners in Europe.

This is a good piece of legislation which will go a long way in assisting our struggling agricultural economy.

Mr. Chairman, I ask the rest of my colleagues to help American farmers and ranchers by voting yes on H.R. 4461.

Ms. KAPTUR. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full committee.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, we have had one of the wonders of congressional history plaguing every farmer in this country the past few years; it has been called the Freedom to Farm Act. And under that act, farmers have had the freedom to experience record lows in the prices they are getting for their products.

Dairy farmers, for instance, are getting about 40 percent less than they were getting just a few years ago for every hundred pounds of milk they sell, and you have lots of other commodities where farm prices are in the tank. You have suicide rates in farm-dominated counties at very high levels, and one would think that a Congress, which is supposedly dedicated to the free market to letting the "wondrous" market forces work, would insist that you have really true markets.

Mr. Chairman, but if you look at the adequacy of this budget in terms of enabling the U.S. Department of Agriculture to assure that we have the tools to prevent undue market concentration so that you can maintain real markets, you see this bill is woefully inadequate.

One of the great Supreme Court justices in our history noted once that a free market is the most essential ingredient in our capitalist system for any legitimate business to function, and yet you see four companies now control 81 percent of the cattle purchases, beef processing, and wholesale marketing.

You see that four companies now control 56 percent of the pork market, and you see the same concentration in other areas; poultry, for instance. And

this bill is grossly inadequate to prevent that problem from getting worse.

We also have seen in the supplemental all efforts to help our farmers on the commodity price front have been stripped from that bill, so at this point that bill does not do anything for farmers. It pretends to do something on allowing additional exports. But in reality, it is a drop in the bucket, because of loopholes in the provision which was put in the conference report last night after the conference report had been signed, which is why I had to remove my name from that conference report, regrettably, because I had intended to try to support that bill.

I do not believe in keeping my name on an agreement after that agreement has been unilaterally altered. I think that practice is offensive or ought to be to this House.

I am going to ask Members, when the time comes, to vote against this bill, because this bill certainly is not adequate to our challenges on the farm front. It is not adequate with respect to pest control. It is not adequate with respect to agricultural research. It is not adequate with respect to rural development.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Chairman, I would just commend the gentleman from New Mexico (Mr. SKEEN) for his work on this bill. I just wanted to add basically one editorial comment and, that is, that I do have one reservation on this bill that I would like to touch on, and; that is, I think that what was worked out with Cuba has a fatal flaw, and that is, if we propose to offer food and medicine without the ability to travel, I think we are making a real mistake.

I would say that for a couple of different reasons. First of all, the present policy in Cuba has not worked. We changed welfare, because it supposedly did not work. Here we have a policy that has been in place for 40 years that has not worked, and we are not going to change it. That, to me, does not make common sense.

Mr. Chairman, I would say also it does not make common sense from the standpoint of history, which interesting thing is, that one of the tools that Ronald Reagan used in changing things behind the Berlin Wall was travel, allowing young kids with backpacks to travel in the international community, in South Africa, apartheid South Africa, allowed people to travel, actually promoted the exchanges with young kids coming to America or American kids going there, so we had one-on-one personal diplomacy. It was key to changing things down there.

Mr. Chairman, the other reason I do not think the present policy works and, therefore, I think it was tragic that it was incorporated in this bill, I think that Americans have a constitutional right to travel. We can travel

anywhere in the globe with the exception of Sudan and Iraq and Cuba, that makes no sense to me.

We can travel to North Korea. They are developing nuclear weapons. They are sending bombs over to the top of Japan. We can travel to Serbia. We just bombed the place, but we cannot travel to Cuba. That makes no sense to me. In fact, *Zemel v. Rusk*, which was a Supreme Court decision back in the 1960s, said Americans have the right to travel unless there are overwhelming military reasons not to do so.

□ 1115

The Defense Intelligence Agency in 1998 said, there is no military threat from Cuba, so Americans ought to be able to travel there from a constitutional right.

Finally, it is inconsistent with the notion of engagement. Engagement is what this body proposed. China engagement is what this body has proposed in many places around the globe, but for some reason we will not do that with Cuba, and that is inconsistent with what I heard when I traveled down there myself from political dissidents and independent journalists who said, if we want to change things in Cuba, we need to change the embargo.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), who is such a hard-working, able member of the subcommittee.

Mr. FARR of California. Mr. Chairman, I rise as a very proud member of the Subcommittee on Agriculture of the Committee on Appropriations, and I have to say that it is an incredible joy to serve under the chairmanship of the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member. I think the camaraderie on this committee is one of the most outstanding in all of the House.

The underlying bill that we are debating today is about appropriating money for the U.S. Department of Food and Agriculture. The difficulty with this bill is the allocation that was given to the committee is far less than it was last year, so we have to squeeze a lot of funds; and in the end, we squeeze a lot of programs that probably should not be squeezed.

We squeeze funding shortfalls for food safety. This bill underfunds the budget request for USDA by about \$14 million. They inspect meat and poultry. I am not sure that people want us to have shortfalls and an inability to inspect meat and poultry.

It shortfalls the resources to deal with market concentration and abusive practices. One of the biggest problems in America is that we are finding that the consolidation of markets is making the prices stay low. It is good for the consumers, but it is also putting a lot of restraints on the ability to get the best price for a farmer's crop. In addition to that, there are all kinds of slotting fees and other things. They

underfund the request from the President, which was about \$7 million; and they only gave them \$1 million, a little over \$1 million.

It falls short by \$53 million for new and the spreading diseases that we have in agriculture and pests.

On conservation programs, the bill falls short \$70 million from the budget request for conservation operations at the Natural Resources Conservation Service.

The list goes on and on, and probably one of the most difficult or hardest hit is the rural areas of the United States.

Speaking of the rural areas, I would just like to say, this bill is not about the sanctions that were lifted by this committee. It is about the fact that the sanctions were taken out by a rule. That greatly disturbs us.

The CHAIRMAN. The gentleman's time has expired.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. FARR).

Mr. FARR of California. I thank the gentleman.

The concern here is that in a bipartisan fashion, we funded the farmers of this country who grow the food that feeds the people, that feeds the children through school lunch programs and school breakfast programs and infants and newborns, and feeds the elderly through Second Harvest and Meals-on-Wheels; but we cannot sell that food to countries like Sudan, Libya, North Korea, Iran, and Cuba. We voted to lift those sanctions to allow that food to flow to those countries.

That is what the concern is here, that the rule was adopted last night which does not allow this. The promise was made that it would be in another committee report, but it was not there. It was not there last night when I checked. I am very concerned about this.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BOYD), a member of the subcommittee.

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

I want to thank the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) for their wonderful leadership on getting us to this point where we have this legislation on the floor today.

Mr. Chairman, 4 years ago, in 1996, when we changed, significantly changed, this Congress changed the agricultural policy of this country with the so-called Freedom to Farm bill, that was a very drastic change and a move in the opposite direction of the way we had managed our agricultural policy in this country for the last 60 or 70 previous years.

At that time, our farmers were promised that in exchange for the support program that had been in place for that 60 or 70 years, that the farmers would be given two things, as I recall. One was they would be given access to

worldwide markets which would assist us in keeping a price at a level where our farmers could make a profit. The other was some decline in the excessive regulation that exists at the farm level.

Now, it is obvious after 4 years that neither one of these promises have been delivered upon. I think we should have known back in 1996 that the regulation that is in place is put there in many cases for a good purpose, and we are not going back on that. Meanwhile, we have been unable to deliver the worldwide markets that we promised in 1996.

What we are experiencing today is worldwide low commodity prices at levels where our farmers really are not able to make a profit in the long term. If that is the only source they had, they would not be able to sustain themselves and stay in business. As a result, this United States Congress comes in every year with an ad hoc disaster assistance program.

The CHAIRMAN. The time of the gentleman from Florida (Mr. BOYD) has expired.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. So, Mr. Chairman, we have a situation where the current agricultural policy is costing this Treasury more than it ever has in the past. As a matter of fact, in the 4 years since we have had Freedom to Farm, we have spent more money out of the Treasury trying to sustain our agricultural industry. Mr. Chairman, it is a national security issue. We should not allow this agricultural industry to be weakened, because we never want to rely upon another country for our food supply.

Mr. Chairman, this bill I think is the best that we can do, given the limited resources that we have. I am concerned about the fact that the subcommittee worked its will, the full committee worked its will, it went to the Committee on Rules, and now all of the rules have been changed, some of the sanctions language that was put in there will now be removed, and I do not think that is the way we should operate.

So I do have some concerns about that, however. But my larger concern is about the national agricultural policy we have in place today.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY), a very able and distinguished member of the subcommittee.

Mr. HINCHEY. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR), my leader, for yielding me this time.

First of all, I want to express my appreciation to our chairman. I have never met a more affable man, nor a better gentleman, and to say it has been a pleasure to serve under his leadership for the past 2 years on this subcommittee is, frankly, an understatement. It has been more than that, and

it has been a learning experience as well.

I particularly want to thank our chairman for the help and consideration that he and his staff provided in recognizing some of the agricultural problems that exist in the northeastern part of the country and elsewhere as well. Particularly with regard to apples and, to some extent potatoes, as a result of that cooperation, we were able to obtain in this bill \$115 million, which will provide assistance for apple-growers in New England and New York and elsewhere around the country whose crop has been hard hit, first of all, by economic circumstances and secondly, by weather, hurricanes, and hail over the course of the last couple of years.

I can tell my colleagues that the apple farmers in New York are going to be very grateful for this assistance. It is modest assistance. Yes, it is. Nevertheless, it is assistance that is very desperately needed and will be very greatly appreciated.

In addition to that, we have another amendment in this bill which I was able to pass through the subcommittee again, with the blessings of my chairman and the help of the staff to provide \$57 million for additional rural development. I think that that is very important. The bill itself underfunded rural development, not because of deficiencies in the approach by our Chairman, but by the fact that the allocation was so low. Now with his assistance, we have been able to provide an additional \$57 million in rural development assistance in various places across the country.

So for these two measures particularly, I want to express my appreciation to the chairman for this legislation. I do not want to give the impression that that is perfect by any means. There are certain aspects of the bill which need improving which we will point out as we go through the debate, but I do want to again express my appreciation to the chairman for his leadership and for the pleasure it has been working with him through this process.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), who is such an able representative of rural America, and certainly all of the agricultural facilities and interests in Beltsville, probably the most important research station in the world.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her comments with reference to the Beltsville Agricultural Research Center.

I rise not to talk about the substance; I know there is some concern expressed by the gentlewoman from Ohio and the gentleman from Florida and others about exactly where this bill is now; but I do want to say to the gentleman from New Mexico (Mr. SKEEN) that I echo the remarks of the gentleman from New York (Mr. HINCHEY). There is no more affable indi-

vidual nor better friend to any of us in this House than the gentleman from New Mexico (Mr. SKEEN), an honorable, decent and good legislator; and I thank him for his help.

I rise simply to say that we do have a lot of interests in my district in farming and agriculture. We have a lot of interest obviously in the Beltsville Agricultural Research Center, and I want to thank the gentleman from New Mexico for his focus on those concerns and certainly the gentlewoman from Ohio, who does such an extraordinary job on behalf of the agriculture community, not just in Ohio, but throughout this country. I thank both of them for their leadership. Very frankly, it is unfortunate that we do not work together as collegially in every instance as I know these two do and we do on our committee.

I might say in closing that I trust that we can get back at some point in time during this process to where we were when we came out of committee.

Mr. SKEEN. Mr. Chairman, I reserve the balance of our time.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACC), who is, by the way, a very involved member of the authorizing Committee on Agriculture, and we are very pleased that he is down here on an appropriation bill.

Mr. BALDACC. Mr. Chairman, I would like to thank the gentlewoman, the ranking member, for her leadership on agricultural issues in making sure that agricultural energy issues are addressed on a national stage. So we appreciate her leadership.

I want to thank the chairman of the committee also for his leadership in being able to recognize the needs of the Northeast in developing this legislation. We certainly do appreciate the focus that has been given to apples and potatoes. We also appreciate the focus that has been given to value-added in research, recognizing, as we get to a global economy, that we have to be able to give our farmers the latest research and technology and the opportunities to add values for farmers and farmer-owned cooperatives, and to be able to market those goods around the world.

I rise also to thank the appropriators for doing the best that they can under trying circumstances with a very important spending bill. This bill impacts the lives of more than farmers. There are programs for the hungry, for food safety initiatives and economic development proposals which all get funded through this bill. I want to say it has been a pleasure to work with the appropriators, the chairman of the subcommittee and the ranking member, and the members of the committee. Working with the gentleman from New York (Mr. HINCHEY), the gentleman from New York (Mr. WALSH), and the gentleman from New Mexico (Mr. SKEEN) and others on the committee has been a very rewarding process.

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And recognizing that Rome was not built in a day and rocky roads lead to the Promised Land, I want to thank the gentleman and use this as a very good first step.

Ms. KAPTUR. Mr. Chairman, could I ask, what is the remaining time on both sides, please.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) has 9½ minutes remaining; the gentlewoman from Ohio (Ms. KAPTUR) has 2 minutes remaining.

Ms. KAPTUR. Mr. Chairman, I yield our remaining 2 minutes to the gentleman from Minnesota (Mr. PETERSON), one of the most active and insightful members of the authorizing committee from the State of Minnesota, which has weathered such difficulties in the agricultural sector.

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time.

Mr. Chairman, I rise today first of all to compliment the gentleman from New Mexico (Chairman SKEEN) and the gentlewoman from Ohio, our ranking member, for all the hard work they do for us in the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, as well as all the members of the committee. They have a tough job and by and large they do a pretty good job.

As the gentlewoman said, I represent an area that has had a lot of difficulties the last number of years. This year we had probably the best crop coming that we ever had, and about a week ago we got 7 inches of rain. Now I have one county that is pretty much under water. What I wanted to talk about today a little bit is the situation that we are in.

In the 1996 bill, we eliminated the disaster programs with the idea that we were going to fix crop insurance. The foreign markets were going to help us keep the prices up where they needed to be. We finally got a pretty good crop insurance bill through; the problem is that it does not really take effect until next year.

So in 1998 and 1999, we passed ad hoc disaster programs that helped out a lot of people. We did not fund them completely, but it made a big difference. We have had the extra AMTA payments which have helped people. But I have an area now that these folks have lost their crop now. This is the seventh year in a row for these people that are under water now.

Mr. Chairman, my plea is that for these people, and any others around the country that are having these kinds of problems that are of no fault of their own, that we look at doing another disaster program for the year 2000, because the crop insurance fixes that would have helped some of these people, as I said, are not going to take effect until next year. Frankly, if we

are going to keep these people in business, and it is literally one whole county, they need a Federal disaster program to underpin the crop insurance that they are going to get that is not going to cover the cost of production.

So I would ask the chairman and the ranking member of the subcommittee, as we go through this process that they remain open to the possibility of having a disaster program for the year 2000 for some of these folks that have had this problem.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON) a member of the subcommittee.

Mrs. EMERSON. Mr. Chairman, I want to rise in support of this bill today and thank the gentleman from New Mexico (Mr. SKEEN) for his strong leadership on issues of importance to America's farmers and ranchers.

My friend, the gentleman from New Mexico, has been a great champion of agriculture as chairman of this subcommittee, and it has been an honor for me to serve with him, as it is for me to serve with the gentlewoman from Ohio (Ms. KAPTUR), our ranking member. She has done an extraordinary job as well, and that not only shows in her dedication to the support of American agriculture.

Mr. Chairman, this is an extraordinarily difficult time for America's farmers and ranchers, as everyone who has spoken today has said. We are in the midst of our third straight year of low commodity prices and third year of financial hardship on the farm. And when we factor in the other challenges that our producers are facing, agricultural embargoes, consolidation of big agribusiness companies, punitive and heavy-handed overregulation by the Environmental Protection Agency and Fish and Wildlife, it is really very clear that farmers and ranchers have their backs up against the wall.

Mr. Chairman, I think the gentleman from New Mexico (Chairman SKEEN) recognizes the problems in farm country and the legislation that is before us today represents a lot of hard work by the entire committee. But it does not do everything I like. I particularly want to associate myself with the words of the gentlewoman from Ohio (Ms. KAPTUR) with regard to the issue of agriculture embargoes which the gentleman from Washington (Mr. NETHERCUTT) has championed so well. I just pray that our leaders follow through on their commitment to us, all of us, to make sure that that part of lifting of sanctions gets put into legislation and gets passed by the Congress this week.

I do have to say, though, I think that this bill is an important step forward and it does a pretty good job of balancing all of the different needs of agriculture. I am particularly pleased that the bill fully funds the TEFAP program. It increases funding for rural America through the Rural Community Advancement Program, so very,

very important for rural America. It also maintains a firm commitment to agriculture research, which obviously is very, very important to the long-term productivity and profitability of our producers.

Mr. Chairman, in short, I have to say, while we all would like additional funds for our agriculture programs, and I include myself among that, this bill does do a lot of good for American agriculture and moves the process forward. So, I would urge a "yes" vote on the legislation.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I appreciate the gentleman from New Mexico (Mr. SKEEN) yielding me this time for the purposes of a colloquy with the gentleman from Florida (Mr. BOYD).

Mr. Chairman, last year, the House Committee on Appropriations and the final conference committee on the Agricultural Appropriations bill approved language giving special consideration for funding for a joint aquaculture distance learning/education and research project through Harbor Branch Oceanographic Institution in my district and Florida State University in Tallahassee. The original request for the project called for \$470,000 for the work to be carried out in fiscal year 2000.

Mr. BOYD. Mr. Chairman, if the gentleman will yield, as a Member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, I appreciate the support of the gentleman from New Mexico (Chairman SKEEN) for this project that the gentleman from Florida is speaking of. It is of high priority to the Florida State University in the Second Congressional District of Florida.

Mr. FOLEY. Mr. Chairman, however, now, despite the strong support of the House, and by reference the conference committee, the Rural Utilities Service of the Department of Agriculture has ignored the intent of Congress and refused to fund the Harbor Branch-FSU aquaculture project. In fact, it is my understanding that the agency rejected the congressional language as "non-binding" and made fundamental errors in analyzing the proposal that was submitted to the Department for funding.

Mr. Chairman, was it the intent of the committee and the Congress that the proposed Harbor Branch-Florida State University project be fully funded by the Rural Utilities Service in fiscal 2000?

Mr. SKEEN. Mr. Chairman, if the gentleman will yield, the gentleman from Florida (Mr. FOLEY) is absolutely correct. Traditionally, we have given special priority to projects such as this one through the committee report language; and we fully expect the agency to fully fund those proposals. I expect the Rural Utilities Service to make appropriated funds available in fiscal year 2000 to fully fund the Harbor Branch-FSU aquaculture distance learning project.

Mr. FOLEY. Mr. Chairman, I yield to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, I thank the gentleman from Florida (Mr. FOLEY), my friend, and distinguished gentleman from New Mexico (Chairman SKEEN), who knows very well that the committee report language is taken very seriously on the Committee on Appropriations. I share the gentleman's concern that the Department has not complied with the clear intent of the committee and Congress.

Mr. FOLEY. Mr. Chairman, reclaiming my time, I thank both the gentleman from New Mexico and the gentleman from Florida who serve on the subcommittee, and commend them both for their bipartisan support for this project. I am especially grateful for the leadership that the chairman of the subcommittee provides on agricultural issues facing the Congress.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa (Mr. LATHAM), a member of the subcommittee.

The CHAIRMAN. The gentleman from Iowa (Mr. LATHAM) is recognized for 5 minutes.

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

Mr. LATHAM. Mr. Chairman, I thank the gentleman from New Mexico for yielding me this time, and I will not use all of the available time. I just wanted to emphasize the importance of the trade discussion that has been going on here. The gentleman from Florida (Mr. BOYD) brought up in his statement the idea and the concern that we have as far as opening up trade around the world and relating that to the farm bill.

He is correct in exactly that we anticipated some cooperation with the administration when we passed the Freedom to Farm to open up markets. The reality is just the opposite, however. In the past 80 years, there have been 120 sanctions put on other countries. Sanctions is a nice word for an embargo. The fact of the matter is over half of those embargoes have been put on in this last administration.

So while we have fought to open up markets, to make sales available to our farmers overseas, it has flown in the face of the administration's policy of continuing and expanding the number of sanctions. I will say again, over half of the sanctions in the last 80 years have been put on in the last 7 years, and it is very, very unfortunate.

That is why opening up trade today for Cuba, for North Korea, for Sudan, for Iran, Libya, is so very, very important to change the dynamics of the whole debate here. I think it is imperative that we move forward, that we make sure that we do crack open the door and allow us to sell our products, food and medicine, to these countries who are so much in need.

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

Mr. LATHAM. I yield to the gentleman from Florida.

Mr. BOYD. Mr. Chairman, I just would like to say that I did not invoke a partisan tint to my comments. And I would like to remind the gentleman that it is the administration who has worked very hard on Fast Track, and it is the administration that worked very hard on PNTR and these other trade agreements. I would like to remind the gentleman that those are divisive issues on this floor. Many Republicans and many Democrats both were against them, but it was not the administration that was against them.

Mr. Chairman, I would just like to remind the gentleman of that.

Mr. LATHAM. Mr. Chairman, reclaiming my time, sure, and I very much appreciate the statement of the gentleman from Florida. I agree, as far as trade relations with China. The administration worked very hard, and I think that is very, very positive.

And Congress is not beyond blame, also, in some of the sanctions that were put on. There is no question about that. But the reality is it is more difficult today in many parts of the world to sell our products than it was even 10 years ago. And if we have learned anything in the past decades, it is that using food and medicine as a weapon in foreign policy has never worked. All it does is punish our farmers here. It does not help the people in the countries that we are supposedly punishing. I think the gentleman's point is well taken.

Mr. BOYD. Mr. Chairman, if the gentleman would continue to yield, I would like to remind the gentleman, and the Congress also, that we, the subcommittee and the full committee, addressed those issues in our bill and that language has been stricken when it arrived at the Committee on Rules by the majority leadership of this Congress. And so I just wanted to remind the gentleman; I want to be certain he is aware of that.

Mr. LATHAM. Mr. Chairman, again reclaiming my time, I certainly am.

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

Mr. LATHAM. I yield to the gentleman from Ohio.

MR. BOEHNER. Mr. Chairman, let me congratulate the gentleman from Iowa (Mr. LATHAM), my colleague, who well knows that more than half of what U.S. farmers and ranchers produce every year is exported somewhere around the world. Without more markets for our farmers to participate in around the world, price improvement in the domestic market is not likely to happen.

I appreciate the gentleman's defense of our current farm policy. As we did hearings around the country all spring, members of the Committee on Agriculture from both sides of the aisle, we all heard the same thing from every farmer and rancher in all parts of the country. No one wants to go back to the old farm policy, the old command

and control system that we had in this country for some 60 years where the Government decided what we needed and what we did not need. And the fact is farmers like the freedom and the flexibility they have to make decisions about what markets they want to enter and what crops they want to plant on their land.

Mr. Chairman, when we started this program some 4 years ago now, no one had the idea that this was going to be an easy transition away from 60 years of the Government making the determination about what ought to be planted and this transition to a more open and more competitive marketplace. And so I congratulate the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, reclaiming my time just in closing, I think there is a consensus with all of us in trade policy, and it is the debate that we should have. And just in closing, also, I would certainly hope that everyone would support this bill on final passage.

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

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 4461, the Agriculture Appropriations bill for fiscal year 2001.

This Member would like to commend the distinguished gentleman from New Mexico (Mr. SKEEN), the Chairman of the Agriculture Appropriations Subcommittee, and the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee for their hard work in bringing this bill to the Floor.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Agriculture Appropriations Subcommittee operated. In light of these constraints, this Member is grateful and pleased that this legislation includes funding for several important projects of interest to the State of Nebraska.

First, this Member is pleased that H.R. 4461 provides \$500,000 for the Midwest Advanced Food Manufacturing Alliance (MAFMA). The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The MAFMA awards grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. In the first six years of funding, MAFMA has directed \$2,142,317 toward a research competition at the 12 universities. Projects must receive matching funds. Over the first six years, matching funds of \$2,666,129 plus in-kind contributions of \$625,407 were received for MAFMA funded projects from 105 companies or organizations. These figures convincingly demonstrate how successful the Alliance has been in leveraging support from the food manufacturing and processing industries.

Mr. Chairman, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing world-wide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing world-wide demands, agricultural research must also adapt to pro-

vide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that this bill includes \$200,000 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project is in its fourth year and has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country, this effort is obviously important.

On March 13, 2000, the Federal Government issued its first-ever spring drought forecast. It anticipates drought across the southern U.S. and in the central part of the nation. These drought conditions clearly pose a threat to individuals, agriculture and industry throughout the nation. As the drought continues, the NDMC will play an increasingly important role in helping people and institutions develop and implement measures to reduce societal vulnerability to this danger. Most of the NDMC's services are directed to state, Federal, regional and tribal governments that are involved in drought and water supply planning.

Another important project funded by this bill is the Alliance for Food Protection, a joint project between the University of Nebraska and the University of Georgia. The mission of this Alliance is to assist the development and modification of food processing and preservation technologies. This technology will help ensure that Americans continue to receive the safest and highest quality food possible.

This Member is also pleased that the legislation has agreed to fund the following ongoing Cooperative State Research, Education, and Extension Service (CSREES) projects at the University of Nebraska-Lincoln:

Food Processing Center	\$42,000
Non-food agricultural products ...	64,000
Sustainable agricultural systems	59,000
Rural Policy Research Institute (RUPRI) (a joint effort with Iowa State University and the University of Missouri)	1,000,000

Also, this Member is pleased that H.R. 4461 includes \$100 million for the Section 538, the rural rental multi-family housing loan guarantee program. The program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring ten percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100% Federal guarantee on the loans they make. Unlike the current Section 515 direct loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Chairman, this Member appreciates the Subcommittee's support for the Department of Agriculture's 502 Unsubsidized Loan Guarantee Program. The program has been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up

to 20,000 residents in non-metropolitan areas and in rural areas. The program provides guarantees for 30 year fixed-rate mortgages for the purchase of an existing home or the construction of a new home.

Mr. Chairman, in conclusion, this Member supports H.R. 4461 and urges my colleagues to approve it.

Mr. WATTS of Oklahoma. Mr. Chairman, today the House will consider H.R. 4461, the FY2001 Agriculture Appropriations Act. I would like to thank Chairman SKEEN and the members of the Subcommittee for their leadership in drafting this legislation and I rise in strong support of its passage.

Included in this legislation is funding for the Retired Educators for Agricultural Programs, or REAP. REAP is an organization which was established in 1994 to address the diminishing numbers of African American agricultural education teachers in Oklahoma and the scarcity of African American youth enrolled in vocational agriculture and programs such as the Future Farmers of America. Initially, REAP was operating in five counties in Oklahoma. It has since begun to operate in other areas throughout the State.

The mission of REAP is to build a foundation that promotes personal and economic opportunities in agriculture for African American youth through project development and partnerships with educational and other community resources. One of the primary goals of REAP is to emphasize citizenship, economic development, leadership and scholarship to the African American youth involved in the program.

REAP extends its outreach to the parents and community members by means of programs, forums and opportunities to chaperone student activities. The program encourages this participation in the hope that the adults will become better informed, more involved and more supportive of the reasonable and achievable aspirations of their young people.

REAP exemplifies a model that can be easily replicated. It is a program of vision, partnerships and commitment that is timeless in focus and limited only by the parameters of the imagination. Field trips to areas in my district in Southwest Oklahoma have ignited great interest in expanding the program into this area of our state. Parents and teachers in Lawton, Altus, Frederick and Tipton, assure me that there is a great need for REAP in our area of the State where limited financial resources have precluded service.

Mr. Chairman, REAP is an important program which could be used as a model for similar programs in other states. This program is vital to the further development of rural America. I am honored to have the opportunity to play a role in furthering the efforts of this very important program. I would like to urge my colleagues in the House to join me in support of REAP and the development of programs like it elsewhere by casting their vote in favor of H.R. 4461.

Mr. COLLINS. Mr. Chairman, I am pleased to note that the Committee has recognized the vital role the College of Agricultural and Environmental Sciences in Griffin, Georgia plays in improving and sustaining the Southeast's food supply. I would like to specifically thank Chairman SKEEN for his efforts in assessing the merits of this facility and am gratified he recognizes the importance of providing farmers and scientists with safe and accessible plant genetic resources.

The Griffin campus is the headquarters of the Plant Genetic Resources Conservation Unit (PGRUCU). As one of four working collections in the National Plant Germplasm System, the PGRUCU conducts research critical to the national effort to develop plant varieties resistant to insects, diseases, and other pests. The work done at Griffin is especially important when one considers that many of the edible plants we take for granted in this nation have countries of origin outside the United States. The PGRUCU stores and reproduces the genetic materials of these plants, in the form of seeds and vegetative tissue, for use in domestic food production and scientific research.

The PGRUCU was established in 1949 as a cooperative effort of the USDA Agricultural Research Service (ARS) and the Southern State Agricultural Experiment Stations. Significant advances in genetic technology have been made over the last decade, and the PGRUCU's collection of genetic resources has expanded. However, since 1989, funding from USDA has remained essentially constant at approximately \$1,500,000. An increase in the operational budget is urgently needed to bring the genetic resource collection to an acceptable level of quality, and to provide the expected and necessary germplasm quality to users of the collection. As we continue consideration of Fiscal Year 2001 funding levels, I urge my colleagues to recognize the importance of the Griffin Agriculture Experiment Station to agriculture in the Southeastern United States. I hope we will be able to ensure the full funding request, as it is necessary to continue the Griffin facility's vital work.

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The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and title VIII shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, namely:

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

Mr. Chairman, I will not take the 5 minutes. But I want to continue the discussion between the gentleman from

Iowa (Mr. LATHAM) and the gentleman from Ohio (Mr. BOEHNER). It is a very important discussion.

I would just like to say that I think there is agreement in the agricultural community all across this Nation that our rural markets are very critical to us to agriculture being successful.

But where there is not agreement, and I would dispute what the gentleman from Ohio (Mr. BOEHNER) said, the farm policy that was put in place by this Congress, the 104th Congress in 1996, is not working. It is not working in many parts of the country. It may be working in certain parts of the country. But it is important for the future national security of this country that our agriculture industry stays strong, and it will not stay strong under this current farm policy without huge influxes of cash from the Federal Treasury. That is what we want to avoid.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$2,836,000: *Provided*, That not to exceed \$11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104-127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104-127.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to follow on the comments on Freedom to Farm of the gentleman from Florida (Mr. BOYD), my good colleague from the subcommittee, and just set the record straight here. We are now spending more money to prop up rural America in this country than we ever did prior to Freedom to Farm. It is into the multibillions. In the year of 1999, in the regular appropriation and the supplemental, over \$7 billion. Then in the year 2000, \$8.7 billion. In the Crop Insurance bill that just moved through here like lightning speed a few weeks ago and signed by the administration, \$5.5 billion.

Prior to Freedom to Farm being passed, about 8 cents of every dollar that a farmer in this country made came through the government. It is now 43 cents on average.

The tragedy in Freedom to Farm is we are paying people who do not produce. This is an amazing program. This is freedom not to farm. We are spending more than we ever spent in

the entire history of our farm programs. We are all for exports, but we are all for people here at home making money off their production.

There are some that are really doing very well under this program, and I just wanted to set the record straight. Because if one adds up the gargantuan amounts of money that we are having to use to prop up this system, something is fundamentally wrong with the architecture of the basic programs.

So those gentlemen that stood up there who have now left the floor, I wished they were down here. But take a look at the accounts. One of the reasons we are so stretched in this bill is simply because we are having to, on an emergency basis, prop up a system that is sick from coast to coast complicated further by bad weather and disasters.

So that Freedom to Farm program has to be revisited quickly, and we need a new farm policy in this country that rewards production, not lack of production.

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

EXECUTIVE OPERATIONS
CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$6,408,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$25,000 is for employment under 5 U.S.C. 3109, \$11,718,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$6,581,000.

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

Mr. Chairman, I rise out of serious concern about what is taking place throughout rural America, especially the adverse impact that low commodity prices are having on family farmers today, not just in my district, but this is true from East Coast to West Coast and virtually every region throughout the country.

The bill that the House is considering today is woefully inadequate for those family farmers throughout rural America. As we all know, the current situation in the countryside today is dire, but the price of nearly every commodity across the board is at or near record lows.

In my western Wisconsin district, dairy farm families are experiencing some of the lowest prices in more than two decades. Wisconsin dairy farmers

currently receive less than \$10 per hundred weight for milk that sells for over \$35 or more at the grocery store. With such market inequities, roughly five to six dairy families are going out of business in the State of Wisconsin alone. That is intolerable. That is inexcusable. We need to do better.

Unfortunately, on this issue, Congress has been asleep at the wheel. In short, the 1996 farm bill is failing our family farmers, while in fact, as the ranking member just pointed out, we are spending more money today than we ever did prior to the farm bill being passed back in 1996, and sending money to nonproducing land owners.

We are providing only lip service and no relief to those actually working and toiling on the farms and what they require. One month ago, this body literally tripped over itself to push out the door a \$15 billion crop insurance bill which contained \$8 billion in emergency farm relief funding. As is too often the case, that bill primarily assists larger agribusiness at the expense of mid-size dairy, beef, and hog producers.

This Congress needs to take swift action to stop the hemorrhaging that is occurring in rural America. Despite the best intentions of the chairman and the ranking member, this bill falls woefully short. While this package takes care of many other farm commodities such as sugar and mohair and cotton, it fails to acknowledge the problems plaguing America's dairy farm families.

Because this Congress remains stuck in neutral, I decided to take some proactive steps to address the major issues affecting America's dairy farm families. Later this week, I plan to introduce legislation that mandates accurate price reporting for all manufactured dairy products throughout the country.

I am also working with dairy groups across the nation to develop a comprehensive dairy package which provides a price safety net when the market falls apart on our farmers. The need for these proactive steps is long past due, and I am hopeful that the House and my colleagues will look upon these measures favorably and support them when they are introduced.

Mr. Chairman, the time for action is now. We cannot lose any more farmers because of shortsighted, narrowly conceived farm policy supported by some here in this Chamber. I am disappointed that this bill does not do more to assist the hard-working men and women who labor daily to produce our Nation's milk, cheese, butter and yogurt.

The farmers back home are not looking for any special privileges or any special advantages compared to other farmers throughout the country. What they are asking for is the recognition that we, as a nation, cannot afford to lose family farmers and see further consolidation of the agriculture indus-

try that is taking place with a greater emphasis on larger and larger agribusiness operations who are starting to dominate more and more of our food supply throughout the country.

This is a very serious and I believe a very dangerous trend in the long run because we may find ourselves waking up some morning in this country, realizing that our entire food supply needs as a nation is dependent upon a few very large corporate elites producing our entire food needs. Then we are quickly talking about a national security crisis at that point.

Hopefully, this body will recognize the true crisis that exists right now and have the courage to take action, which is long overdue, of opening up a farm bill that obviously is not working for producers from Coast to Coast and finally do right by our family farmers, who are struggling day in and day out, many holding on by their fingernails just to stay in business. We cannot afford to see the greater and greater consolidation taking place throughout the country and us becoming more and more dependent on fewer and fewer hands for our food supply.

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

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$10,051,000.

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

Mr. Chairman, today we are debating voting on one of the most important bills of the year, Agriculture Appropriations.

America's farmers have entered the 21st century as they did the 20th century, as the most productive, efficient, and successful farm community in the history of the planet.

With this record of success, how can so many farmers be struggling? This question must be addressed because when the American farmer is in crisis, so is America. We must seek the proper direction to sustain our farm system and set a positive pace for years to come.

While facing some of the lowest prices for their work, the farm community is facing a sustained and severe drought. Drought conditions have caused speculation of 100 percent crop losses in corn and grazing crops in Pike County in my district.

People in the business of digging wells are busier than ever, and many farmers in the fourth district simply do not know if they can continue.

The USDA Disaster Assistance Program, NAP, continues to operate as though the Pony Express is bringing them news from the farm. While satellite imaging and knowledge of global weather patterns are available, the USDA seems tied to old methods of policy that make the delivery system of disaster payments too little too late.

We must address these problems. In the meantime, we must pass this bill today. Thanks to the work of Senator COCHRAN in the Senate, we have an opportunity to provide added assistance to the Livestock Assistance Program. We must act and we must create a mechanism that provides this assistance in lightning fashion.

Mr. Chairman, back in 1977, I was one of the farmers who came to Washington during the American agriculture movement to protest what was happening to our family farmers. I have not seen a lot changed since 1977 because there are a lot of farmers going out of business today just like they did in the late 1970s.

If we do not do something about the small farmer and family farms while we have a budget surplus to do something about it, I do not know when we are ever going to answer this question.

But our farmers provide the food we eat and clothes we wear. They provide the foundation of our communities all across America. Economically, our farmers are crucial. The total market

value of our farmers production in my congressional district is over a half a billion dollars. That is a lot of economy and a lot of jobs in my area, and we certainly do not need to lose them. We certainly do not need to lose our family farms.

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

Mr. Chairman, I rise to address the House on two amendments that will come up in this bill, both dealing with the importation of agricultural and fishery products from the Islamic Republic of Iran.

The first will be offered by the gentleman from New York (Mr. WEINER) and myself, and it simply cuts \$15,000 from APHIS. That is a small and symbolic amount. It is the minimum amount that we believe would be necessary in order to inspect goods coming from Iran and make sure that they were eligible for importation into the United States. Those goods would include caviar, dried fruit, and nuts.

So I hope that the House, without undue time delay, could simply adopt

that amendment. I realize, though, that that amendment by itself does not control how the Department of Agriculture spends its money, it simply reduces by \$15,000 the amount of money the Department would have.

So a second amendment will be offered by myself and perhaps others at the end of the bill, and that amendment would say that no money provided by the Agriculture Appropriations bill can be used to allow for the importation, basically the inspection of these agricultural products coming from Iran.

So one amendment saves us an extremely small amount of money, and the other amendment eliminates the need and prohibits the expenditure of that money.

We would hope that both these amendments could pass by a voice vote, because we were here late last night, late the night before, and I know how unpopular I am likely to be in asking 400 some of our colleagues to walk across the street to vote, not on one, but on two amendments.

NOTICE

Incomplete record of House proceedings. Except for the following, today's House proceedings will be continued in the next issue of the Record.

CONFERENCE REPORT (H. REPT. 106-710)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4425) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

DIVISION A—FISCAL YEAR 2001 MILITARY CONSTRUCTION APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2001, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$909,245,000, to remain available until September 30, 2005: Provided, That of this amount, not to exceed \$109,306,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the

Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$928,273,000, to remain available until September 30, 2005: Provided, That of this amount, not to exceed \$73,335,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$870,208,000, to remain available until September 30, 2005: Provided, That of this amount, not to exceed \$74,628,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law,

\$814,647,000, to remain available until September 30, 2005: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$77,505,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$281,717,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$203,829,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction

Authorization Acts, \$108,738,000, to remain available until September 30, 2005.

**MILITARY CONSTRUCTION, NAVAL RESERVE
(INCLUDING RESCISSIONS)**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$64,473,000, to remain available until September 30, 2005: Provided further, That the funds appropriated for "Military Construction, Naval Reserve" under Public Law 105-45, \$2,400,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$36,591,000, to remain available until September 30, 2005.

**NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM**

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, \$172,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$235,956,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, \$951,793,000; in all \$1,187,749,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$418,155,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, \$881,567,000; in all \$1,299,722,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$251,982,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, \$820,879,000; in all \$1,072,861,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, for Operation and Maintenance, \$44,886,000.

**BASE REALIGNMENT AND CLOSURE ACCOUNT,
PART IV**

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$1,024,369,000, to remain available until expended: Provided, That not more than \$865,318,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000

for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be

taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. (a) No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

(b) No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 125. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 126. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 127. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: Provided, That not more than \$25,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.

SEC. 128. The Army, Navy, Marine Corps, and Air Force are directed to submit to the appropriate committees of the Congress by July 1, 2001, a Family Housing Master Plan demonstrating how they plan to meet the year 2010 housing goals with traditional construction, operation and maintenance support, as well as privatization initiative proposals. Each plan shall include projected life cycle costs for family housing construction, basic allowance for housing, operation and maintenance, other associated costs, and a time line for housing completions each year.

(RESCISSION OF FUNDS)

SEC. 129. Of the funds provided in previous Military Construction Appropriations Acts, \$100,000,000 is hereby rescinded as of the date of the enactment of this Act.

(TRANSFER OF FUNDS)

SEC. 130. During fiscal year 2001, in addition to any other transfer authority available to the Department of Defense, funds appropriated in the Military Construction Appropriations Act, 2000 (Public Law 106-52; 113 Stat. 259) under the heading "MILITARY CONSTRUCTION, NAVAL RESERVE" and still unobligated may be transferred to the account for "MILITARY CONSTRUCTION, NAVY". Amounts transferred under this section shall be merged with, and be available for the same period as, the amounts in the account to which transferred and shall be available to construct, under the authority of section 2805 of title 10, United States Code, an elevated water storage tank at the Naval Support Activity Midsouth, Millington, Tennessee.

SEC. 131. (a) The Secretary of the Army may accept funds from the Federal Highway Administration, or the State of Kentucky, and credit them to the appropriate Department of the Army accounts for the purpose of funding all costs associated with the realignment, requested by the

State of Kentucky, of the military construction project involving a rail connector located at Fort Campbell, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2763).

(b) The Secretary may use the funds accepted for the realignment, in addition to funds authorized and appropriated for the rail connector project, notwithstanding the amount authorized in section 2101(a) of Public Law 104-201. The funds accepted shall remain available until expended.

(c) The costs associated with the realignment of the rail connector project include but are not limited to redesign costs, additional construction costs, additional costs due to construction delays related to the realignment, and additional real estate costs.

(d) The authority provided in this section shall be effective upon the date of the enactment of this Act.

(RESCISSION OF FUNDS)

SEC. 132. Of the funds available to the Secretary of Defense in the "Foreign Currency Fluctuations, Construction, Defense" account, \$83,000,000 is hereby rescinded.

(TRANSFER OF FUNDS)

SEC. 133. AMENDMENTS.—Section 131 of the Military Construction Appropriations Act, 1988 (Public Law 100-202), is amended—

(1) by striking subsection (c)(1), and inserting the following:

"(c)(1) The Secretary shall use amounts paid to the Secretary under subsection (b) for the acquisition of suitable sites for military family housing; or, the acquisition, construction, or revitalization of military family housing in the San Diego region, either through conventional military construction or through use of any of the alternative authorities contained in subchapter IV, chapter 169 of title 10, United States Code."

(2) by adding after subsection (c)(2) the following new subparagraph:

"(3) Any funds received by the Secretary under subsection (b) and not deposited into the general fund of the Treasury under subsection (c)(2) may be transferred into the Department of Defense Family Housing Improvement Fund in accordance with section 2883 in subchapter IV, chapter 169 of title 10, United States Code."

SEC. 134. Section 412(c) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (112 Stat. 160) is amended by inserting before the period at the end of the sentence the following: ", and up to \$170,000,000 for dredging and foundation activities for construction": Provided, That this section becomes effective immediately upon enactment of this Act.

SEC. 135. Notwithstanding any other provision of law, the Secretary of the Navy is authorized to use funds received pursuant to section 2601 of title 10, United States Code, for the construction, improvement, repair, and maintenance of the historic residences located at Marine Corps Barracks, 8th and I Streets, Washington, D.C.: Provided, That the Secretary notifies the appropriate committees of Congress 30 days in advance of the intended use of such funds: Provided further, That this section becomes effective immediately upon enactment of this Act.

BROOKS AIR FORCE BASE DEVELOPMENT
DEMONSTRATION PROJECT

SEC. 136. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available. The section supersedes, and shall be used in lieu of the authority provided in, section 8168 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1277).

(b) AUTHORITY.—(1) Subject to paragraph (4), the Secretary of the Air Force may carry out at

Brooks Air Force Base, Texas, a demonstration project to be known as the "Base Efficiency Project" to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary may carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(4) The Secretary may not exercise any authority under this section until after the end of the 30-day period beginning on the date the Secretary submits to the appropriate committees of the Congress a master plan for the development of the Base.

(c) **EFFICIENT PRACTICES.**—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Department civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on "best value" if the Secretary determines that the award will advance the purposes of a joint activity conducted under the project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

(4)(A) The Secretary may conduct joint activities with the Community, the State, and any private parties or entities on or for the benefit of the Base.

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

(C) Such payments or reimbursements received by the Department shall be deposited into the Project Fund.

(d) **LEASE AUTHORITY.**—(1) The Secretary may lease real or personal property located on the Base and not required at other Air Force installations to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the lease would facilitate the purposes of the Project.

(2) Consideration for a lease under this subsection shall be determined in accordance with subsection (g).

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property at fair market value if the lease is terminated to allow the United States to sell the property under any other provision of law.

(4)(A) The interest of a lessee of property leased under this subsection may be taxed by the State or the Community.

(B) A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State governments or local governments under Federal law, the lease shall be renegotiated.

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services per-

formed by Department civilian or contract employees, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

(7) A lease under this subsection shall not be subject to the following provisions of law:

(A) Section 2667 of title 10, United States Code, other than subsection (b)(1) of that section.

(B) Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(C) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(e) **PROPERTY DISPOSAL.**—(1) The Secretary may sell or otherwise convey or transfer real and personal property located at the Base to the Community or to another public or private party during the Project, upon such terms and conditions as the Secretary considers appropriate for purposes of the Project.

(2) Consideration for a sale or other conveyance or transfer of property under this subsection shall be determined in accordance with subsection (g).

(3) The sale or other conveyance or transfer of property under this subsection shall not be subject to the following provisions of law:

(A) Section 2693 of title 10, United States Code.

(B) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(4) Cash payments received as consideration for the sale or other conveyance or transfer of property under this subsection shall be deposited into the Project Fund.

(f) **LEASEBACK OF PROPERTY LEASED OR DISPOSED.**—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the Department or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

(2) A leaseback of real property under this subsection shall be an operating lease for no more than 20 years unless the Secretary of the Air Force determines that a longer term is appropriate.

(3)(A) Consideration, if any, for real property leased under a leaseback entered into under this subsection shall be in such form and amount as the Secretary considers appropriate.

(B) The Secretary may use funds in the Project Fund or other funds appropriated or otherwise available to the Department for use at the Base for payment of any such cash rent.

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose.

(g) **CONSIDERATION.**—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

(2) Consideration may be in cash or in-kind or any combination thereof. In-kind consideration may include the following:

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any

property or facilities (including non-appropriated fund facilities).

(D) Base operating support services.

(E) Improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

(3) Consideration may not be for less than the fair market value.

(h) **PROJECT FUND.**—(1) There is established on the books of the Treasury a fund to be known as the "Base Efficiency Project Fund" into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. Subject to paragraph (2), amounts deposited into the Project Fund shall be available without fiscal year limitation.

(2) To the extent provided in advance in appropriations Acts, amounts in the Project Fund shall be available to the Secretary for use at the base only for operation, base operating support services, maintenance, repair, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration. The use of such amounts may be in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

(i) **FEDERAL AGENCIES.**—(1)(A) Any Federal agency, its contractors, or its grantees shall pay rent, in cash or services, for the use of facilities or property at the Base, in an amount and type determined to be adequate by the Secretary.

(B) Such rent shall generally be the fair market rental of the property provided, but in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

(2) Transfers of real or personal property at the Base to other Federal agencies shall be at fair market value consideration. Such consideration may be paid in cash, by appropriation transfer, or in property, goods, or services.

(3) Amounts received from other Federal agencies, their contractors, or grantees, including any amounts paid by appropriation transfer, shall be deposited in the Project Fund.

(j) **REPORTS TO CONGRESS.**—(1) Section 2662 of title 10, United States Code, shall apply to transactions at the Base during the Project.

(k) **LIMITATION.**—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(l) **EXPIRATION OF AUTHORITY.**—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on June 1, 2005.

(m) **DEFINITIONS.**—In this section:

(1) The term "Project" means the Base Efficiency Project authorized by this section.

(2) The term "Base" means Brooks Air Force Base, Texas.

(3) The term "Community" means the City of San Antonio, Texas.

(4) The term "Department" means the Department of the Air Force.

(5) The term "facility" means a building, structure, or other improvement to real property (except a military family housing unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

(6) The term "joint activity" means an activity conducted on or for the benefit of the Base by the Department, jointly with the Community, the State, or any private entity, or any combination thereof.

(7) The term "Project Fund" means the Base Efficiency Project Fund established by subsection (h).

(8) The term "public services" means public services (except public schools, fire protection, and police protection) that are funded by local and State taxes and provided without specific charge to the public at large.

(9) The term "Secretary" means the Secretary of the Air Force or the Secretary's designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term "State" means the State of Texas.

(n) This section becomes effective immediately upon enactment of this Act.

SEC. 137. Of the funds made available in the Military Construction Appropriations Act, 1999 (Public Law 105-237) under the heading "Military Construction, Defense-Wide" for planning and design, not less than \$1,000,000 shall be available for the design of an elementary school for the Central Kitsap School District to meet the educational needs of military dependents at the Naval Submarine Base, Bangor, Washington: Provided, That this section becomes effective immediately upon enactment of this Act.

SEC. 138. The total amount of appropriated funds that may be expended for the military construction project at the Military Academy at West Point, New York, to construct and renovate the Cadet Physical Development Center shall not exceed \$77,500,000, regardless of the fiscal year for which the funds were or are appropriated: Provided, That this section becomes effective immediately upon enactment of this Act.

SEC. 139. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on construction, security and operation of Forward Operating Locations (FOL) in Manta, Ecuador, Aruba, Curaçao, and El Salvador.

(b) The report required by subsection (a) shall address the following: (1) a schedule for making each Forward Operating Location (FOL) fully operational, including cost estimates, time line of contracting and construction with completion dates, a description of the potential capabilities for each proposed location and an explanation of how the FOL architecture fits into the overall counter-drug strategy; (2) a plan that identifies the operating requirements at FOL for the United States Coast Guard, United States Customs Service, Drug Enforcement Administration, Intelligence community and the Department of Defense and how these requirements will be addressed; (3) a security plan to ensure that FOL facilities and personnel working at these sites are safeguarded from outside threats; and (4) a safety plan to ensure operations conducted at FOLs are in accordance with standard operating procedures.

This division may be cited as the "Military Construction Appropriations Act, 2001".

DIVISION B

FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—KOSOVO AND OTHER NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$23,883,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget

and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$20,565,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$37,155,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$38,065,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of the funds appropriated under this heading, \$8,000,000 shall be made available only for use in federally owned educational facilities located on military installations for the purpose of transferring title of such facilities to the local educational authorities.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to provide assistance to Vieques, Puerto Rico, \$40,000,000, to remain available until September 30, 2003: Provided, That such funds shall be in addition to amounts otherwise available for such purposes: Provided further, That the Secretary of Defense may transfer funds to any agency or office of the United States Government in order to implement the projects for which funds are provided under this heading 30 days after the Director of the Office of Management and Budget notifies the House and Senate Committees on Appropriations of each proposed transfer: Provided further, That each notification transmitted to the Committees shall identify the specific amount, recipient agency and purpose for which such transfer is proposed: Provided further, That appropriations made available under this heading may be transferred and obligated for the following purposes: a study of the health of Vieques residents; fire-fighting related equipment and facilities at Antonio Rivera Rodriguez Airport; construction or refurbishment of a commercial ferry pier and terminal and associated navigational improvements; establishment and construction of an artificial reef; reef conservation, restoration, and management activities; payments to registered Vieques commercial fishermen of an amount determined by the National Marine Fisheries Service for each day they are unable to use existing waters because the Navy is conducting training; expansion and improvement of major cross-island roadways and bridges; an apprenticeship/training program for young adults; preservation and protection of natural resources; an economic development office and economic development activities; and conducting a referendum among the residents of Vieques regarding further use of the island for military training programs: Provided further, That for purposes of providing assistance to Vieques, any agency or office of the United States Government to which these funds are transferred may utilize, in addition to any authorities available in this paragraph, any authorities available to that agency or office for carrying out related activities, including utilization of such funds for administrative expenses: Provided further, That any amounts transferred to the Department of Housing and Urban Development, "Community development block grants", shall be available only for assistance to

Vieques, notwithstanding section 106 of the Housing and Community Development Act of 1974: Provided further, That the Department of Commerce may make direct payments to registered Vieques commercial fishermen: Provided further, That the Department of the Navy may provide fire-fighting training and funds provided in this paragraph may be used to provide fire-fighting related facilities at the Antonio Rivera Rodriguez Airport: Provided further, That funds made available under this heading may be transferred to the Army Corps of Engineers to construct or modify a commercial ferry pier and terminal and associated navigational improvements: Provided further, That except for amounts provided for the health study, fire-fighting related equipment and facilities, and certain activities in furtherance of the preservation and protection of natural resources, funds provided in this paragraph shall not become available until 30 days after the Secretary of the Navy has certified to the congressional defense committees that the integrity and accessibility of the training range is uninterrupted, and trespassing and other intrusions on the range have ceased: Provided further, That the Secretary of the Navy shall recertify to the congressional defense committees the status of the range 90 days after the initial certification, and each 90 days thereafter: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$2,174,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$2,851,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Overseas Contingency Operations Transfer Fund", \$2,050,400,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance, including Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; the Defense Health Program; and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$73,000,000, to remain

available for obligation until September 30, 2001: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$5,700,000, to remain available for obligation until September 30, 2001, only for continued test activities under the Tactical High Energy Laser (THEL) program.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$3,533,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) MINIMUM RATES OF BASIC ALLOWANCE FOR HOUSING FOR MEMBERS OF THE UNIFORMED SERVICES.—During the period beginning on January 1, 2000, and ending on September 30, 2001 (or such earlier date as the Secretary of Defense considers appropriate), a member of the uniformed services entitled to a basic allowance for housing for a military housing area in the United States shall be paid the allowance at a monthly rate not less than the rate in effect on December 31, 1999, in that area for members serving in the same pay grade and with the same dependency status as the member.

(b) ANNUAL LIMITATION ON ALLOWANCE.—In light of the rates for the basic allowance for housing authorized by subsection (a), the Secretary of Defense may exceed the limitation on the total amount paid during fiscal year 2000 and 2001 for the basic allowance for housing in the United States otherwise applicable under section 403(b)(3) of title 37, United States Code.

(c) SENSE OF THE CONGRESS REGARDING MILITARY FAMILIES ON FOOD STAMPS.—It is the sense of the Congress that members of the Armed Forces and their dependents should not have to rely on the food stamp program, and the President and the Congress should take action to ensure that the income level of members of the Armed Forces is sufficient so that no member meets the income standards of eligibility in effect under the food stamp program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 102. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$1,556,200,000 is hereby appropriated to the Department of Defense for the "Defense-Wide Working Capital Fund" and shall remain available until expended, for price increases resulting from worldwide increases in the price of petroleum: Provided, That the Secretary of Defense shall transfer \$1,556,200,000 in excess collections from the "Defense-Wide Working Capital Fund" not later than September 30, 2001 to the operation and maintenance; research, development, test and evaluation; and working capital funds: Provided further, That the transfer authority provided in this section is in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 103. In addition to the amounts provided elsewhere in this Act or in the Department of

Defense Appropriations Act, 2000 (Public Law 106-79), \$90,000,000 is hereby appropriated for "Aircraft Procurement, Air Force", only for F-15 aircraft or associated components, systems, or subsystems.

SEC. 104. In addition to the amounts provided elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$163,700,000 is hereby appropriated for "Procurement of Weapons and Tracked Combat Vehicles, Army", only for procurement, advance procurement, or economic order quantity procurement of Abrams M1A2 SEP Upgrades under multiyear contract authority provided under section 8008 of the Department of Defense Appropriations Act, 2000: Provided, That none of the funds under this section shall be obligated until the Secretary of the Army certifies to the congressional defense committees that these funds will be used to upgrade vehicles for an average unit cost (for 307 vehicles) that does not exceed \$5,900,000.

SEC. 105. In addition to the amounts provided in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$615,600,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until September 30, 2001: Provided, That such funds shall be available only for the purposes described and in accordance with section 106 of this chapter: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 106. (a) Of the amounts provided in section 105 of this chapter for "Defense Health Program"—

(1) not to exceed \$90,300,000 shall be available for obligations and adjustments to obligations required to cover unanticipated increases in TRICARE contract costs that (but for insufficient funds) would have been properly chargeable to the Defense Health Program account for fiscal year 1998 or fiscal year 1999; and

(2) not to exceed \$525,300,000 shall be available for obligations and adjustments to obligations required to cover unanticipated increases in TRICARE contract costs that are properly chargeable to the Defense Health Program account for fiscal year 2000 or fiscal year 2001.

(b) The Secretary of Defense shall notify the congressional defense committees before charging an obligation or an adjustment to obligations under this section.

(c) The Secretary of Defense shall submit to the congressional defense committees a report on obligations made under this section no later than 30 days after the end of fiscal year 2000.

SEC. 107. In addition to the amounts provided in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$695,900,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until September 30, 2002: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 108. In addition to the amounts appropriated or otherwise made available in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$27,000,000 is hereby appropriated to the Department of Defense and is available only for the Basic Allowance for Housing Program: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 109. (a) MILITARY RECRUITING, ADVERTISING, AND RETENTION PROGRAMS.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), there is hereby appropriated to the Department of Defense, to remain available for obli-

tion until September 30, 2001, and to be available only for military personnel (to include full-time manning), recruiting, advertising, and retention programs, \$357,288,000, as follows:

For military personnel accounts, \$204,226,000, as follows:

"Military Personnel, Army", \$99,900,000;
 "Military Personnel, Navy", \$23,500,000;
 "Military Personnel, Marine Corps", \$4,000,000;
 "Military Personnel, Air Force", \$7,500,000;
 "Reserve Personnel, Army", \$32,500,000; and
 "National Guard Personnel, Army", \$36,826,000.

For operation and maintenance accounts, \$153,062,000, as follows:

"Operation and Maintenance, Army", \$38,110,000;
 "Operation and Maintenance, Navy", \$29,222,000;
 "Operation and Maintenance, Marine Corps", \$8,100,000;
 "Operation and Maintenance, Air Force", \$29,040,000;
 "Operation and Maintenance, Army Reserve", \$18,890,000;

"Operation and Maintenance, Navy Reserve", \$6,700,000;

"Operation and Maintenance, Marine Corps Reserve", \$2,000,000;

"Operation and Maintenance, Air Force Reserve", \$4,000,000;

"Operation and Maintenance, Army National Guard", \$12,000,000; and

"Operation and Maintenance, Air National Guard", \$5,000,000.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 110. (a) DEPOT-LEVEL MAINTENANCE AND REPAIR.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$220,000,000 is hereby appropriated for "Operation and Maintenance, Navy", to remain available for obligation until September 30, 2001, only for ship depot maintenance.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 111. (a) HIGH PRIORITY SUPPORT TO DEPLOYED FORCES.—In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), there is hereby appropriated to the Department of Defense, to support deployed United States forces, \$503,900,000, as follows:

(1) For operation and maintenance accounts, to remain available for obligation until September 30, 2001, \$96,000,000 as follows:

"Operation and Maintenance, Navy", \$20,000,000;
 "Operation and Maintenance, Air Force", \$41,900,000;

"Operation and Maintenance, Defense-Wide", \$10,000,000; and

"Operation and Maintenance, Air National Guard", \$24,100,000.

(2) For procurement accounts, to remain available for obligation until September 30, 2003, \$344,900,000, as follows:

"Aircraft Procurement, Army", \$25,000,000 (for Apache helicopter safety and reliability modifications);

"Aircraft Procurement, Navy", \$52,800,000 (of which \$27,000,000 is for CH-46 helicopter engine safety procurement and \$25,800,000 for EP-3 sensor improvement modifications);

"Aircraft Procurement, Air Force", \$212,700,000 (of which \$111,600,000 is for U-2 reconnaissance aircraft sensor improvements and modifications, and \$101,100,000 is for flight and mission trainers and simulators);

"Other Procurement, Air Force", \$41,400,000; and

"Procurement, Defense-Wide", \$13,000,000.

(3) For research, development, test and evaluation accounts, to remain available for obligation until September 30, 2002, \$63,000,000, as follows:

"Research, Development, Test and Evaluation, Army", \$5,000,000 (for the WARSIMS program); and

"Research, Development, Test and Evaluation, Defense-Wide", \$58,000,000.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 112. To ensure the availability of biometrics technologies in the Department of Defense, the Secretary of the Army shall be the Executive Agent to lead, consolidate, and coordinate all biometrics information assurance programs of the Department of Defense: Provided, That there is hereby appropriated for fiscal year 2000, in addition to other amounts appropriated for such fiscal year by other provisions of this Act, \$5,000,000 for Operation and Maintenance, Army, for carrying out the biometrics assurance programs and for continuing the biometrics information assurance programs of the Information System Security Program: Provided further, That there is hereby appropriated for fiscal year 2000, in addition to other amounts appropriated for such fiscal year by other provisions of this Act, \$1,000,000 for Operation and Maintenance, Navy, and \$1,000,000 for Operation and Maintenance, Air Force, for carrying out the biometrics assurance programs with the Army, as Executive Agent, to lead, consolidate, and coordinate such programs.

SEC. 113. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$125,000,000 is hereby appropriated to the Department of Defense to remain available until September 30, 2002, to be available only for the Patriot missile program: Provided, That not later than 30 days after the enactment of this Act the Department shall submit a revised Patriot missile program plan to the congressional defense committees: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 114. In addition to amounts provided elsewhere in this Act for the Department of Defense, \$300,000 is hereby appropriated to be available only for Operation Walking Shield for technical assistance and transportation of excess housing to Indian tribes located in the States of North Dakota, South Dakota, Montana and Minnesota, in accordance with section 8155 of Public Law 106-79.

SEC. 115. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), there is hereby appropriated to the Department of Defense, for the cost of peacekeeping and humanitarian assistance operations in East Timor and Mozambique, \$61,500,000, to be distributed as follows:

"Operation and Maintenance, Navy", \$6,400,000;

"Operation and Maintenance, Marine Corps", \$8,100,000; and

"Operation and Maintenance, Air Force", \$47,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement

pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(TRANSFER OF FUNDS)

SEC. 116. (a) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, of the funds appropriated by title II of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) under the heading "Operation and Maintenance, Defense-Wide", \$9,642,000 shall be transferred to the Macalloy Special Account administered by the Administrator of the Environmental Protection Agency to pay for response actions by, or on behalf of, the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the Macalloy site in Charleston, South Carolina.

(b) TREATMENT OF FUNDS.—Any of the funds transferred pursuant to subsection (a) that are used to pay for response actions at the Macalloy site shall be credited against any liability of the United States with respect to the site under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

SEC. 117. Notwithstanding any other provision of law, there is appropriated to the Department of Defense \$8,000,000 for communications, communications infrastructure, logistical support, resources and operational assistance required by the Salt Lake Organizing Committee to stage the 2002 Olympic and Paralympic Winter Games, such sums to remain available until expended.

SEC. 118. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 15 days prior to issuing any type of information or proposal solicitation under the NMD Program with a potential annual contract value greater than \$5,000,000 or a total contract value greater than \$30,000,000.

SEC. 119. (a) REQUIREMENT FOR SALE OF NAVY DRYDOCK NO. 9.—Notwithstanding any other provision of law, the Secretary of the Navy shall sell Navy Drydock No. 9 (AFDM-3), located in Mobile, Alabama, to the Bender Shipbuilding and Repair Company, Inc., which is the current lessee of the drydock from the Navy.

(b) CONSIDERATION.—As consideration for the sale of the drydock under subsection (a), the Secretary shall receive an amount equal to the fair market value of the drydock at the time of the sale, as determined by the Secretary.

SEC. 120. Subsection (b) of section 509 of title 32, United States Code, is amended by striking "Federal" and inserting "Department of Defense".

SEC. 121. USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of the enactment of this section and before December 31, 2000.

SEC. 122. Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2326), is amended—

(1) in the matter preceding the first proviso, by striking "\$20,000,000" and inserting "\$30,000,000"; and

(2) in the second proviso, by inserting after "property damages" the following: ", and for other claims under applicable Status-of-Forces Agreements,".

(RESCISSIONS)

SEC. 123. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act, from the following accounts in the specified amounts:

Under the heading "Shipbuilding and Conversion, Navy, 1989/1993":

DDG-51 destroyer program, \$9,100,000;

T-AO fleet oiler program, \$6,645,000;

T-AGOS surveillance ship program, \$3,420,000;

Outfitting and post delivery, \$1,293,000;

"Research, Development, Test and Evaluation, Air Force, 1999/2000", \$7,000,000;

"Military Personnel, Army, 2000", \$98,700,000;

"Military Personnel, Navy, 2000", \$49,127,000;

"Military Personnel, Air Force, 2000", \$82,000,000;

"Reserve Personnel, Air Force, 2000", \$4,500,000; and

"National Guard Personnel, Army, 2000", \$24,826,000.

SEC. 124. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 125. The following provisions of law are repealed: sections 8175 and 8176 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79), as amended by sections 214 and 215, respectively, of H.R. 3425 of the 106th Congress (113 Stat. 1501A-297), as enacted into law by section 1000(a)(5) of Public Law 106-113.

SEC. 126. Any amount appropriated in this chapter that is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all such amounts are designated by the President, upon enactment of this Act, as emergency requirements pursuant to such section.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount for "General Investigations", \$3,500,000, to remain available until expended, of which \$1,500,000 shall be for a feasibility study and report of a project to provide flood damage reduction for the town of Princeville, North Carolina, and of which \$2,000,000 shall be for preconstruction engineering and design of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General", \$3,000,000, to remain available until expended, for the Johnson Creek, Arlington, Texas, project authorized by section 101(b)(14) of Public Law 106-53: Provided, That the entire amount shall be available only to the extent an official budget request for \$3,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", \$200,000, to remain available until expended, for dredging of the authorized navigation project at Saxon Harbor, Wisconsin: Provided, That the entire amount shall be available only to the extent an official budget request for \$200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", \$600,000, to remain available until expended, to carry out the provisions of the Lewis and Clark Rural Water System Act of 2000: Provided, That the entire amount shall be available only to the extent an official budget request for \$600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For an additional amount for "Weapons activities", \$96,500,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for \$96,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other defense activities", \$38,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for \$38,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the Department is authorized to initiate design of the Highly Enriched Uranium Blend Down Project.

ENERGY PROGRAMS

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium enrichment decontamination and decommissioning fund", \$58,000,000, to be derived from the Fund, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for \$58,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 201. Funds appropriated in this or any other Act and hereafter may not be used to pay on behalf of the United States or a contractor or subcontractor of the United States for posting a bond or fulfilling any other financial responsibility requirement relating to closure or post-clo-

sure care and monitoring of the Waste Isolation Pilot Plant. The State of New Mexico or any other entity may not enforce against the United States or a contractor or subcontractor of the United States, in this or any subsequent fiscal year, a requirement to post bond or any other financial responsibility requirement relating to closure or post-closure care and monitoring of the Waste Isolation Pilot Plant. Any financial responsibility requirement in a permit or license for the Waste Isolation Pilot Plant on the date of the enactment of this section may not be enforced against the United States or its contractors or subcontractors at the Plant.

SEC. 202. Notwithstanding any other provision of law, no funds provided in this or any other Act may be used to further reallocate Central Arizona Project water or to prepare an Environmental Assessment, Environmental Impact Statement, or Record of Decision providing for a reallocation of Central Arizona Project water until further Act of Congress authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for delivery of Central Arizona Project water.

SEC. 203. Of the funds provided in Public Laws 106-60 and 105-245 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Science", \$1,000,000 shall be made available for the design, planning and construction of the interdisciplinary science facility at the University of Alabama at Tuscaloosa.

SEC. 204. Of the funds provided in Public Law 106-60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Energy Supply", \$1,000,000 shall be made available for the Nome diesel upgrade.

SEC. 205. Of the funds provided in Public Law 106-60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Weapons Activities", \$5,000,000 shall be made available to move the Atlas pulsed power experimental facility to the Nevada Test Site.

SEC. 206. Of the funds provided in Public Law 106-60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Science", \$2,500,000 shall be made available for the Natural Energy Laboratory of Hawaii.

SEC. 207. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading "Science", \$1,000,000 shall be made available for the Burbank Hospital Regional Center in Fitchburg, Massachusetts.

SEC. 208. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading "Science", \$1,000,000 shall be made available for the Center for Research on Aging at Rush-Presbyterian-St. Luke's Medical Center in Chicago, Illinois.

SEC. 209. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading "Science", \$1,000,000 shall be made available for the North Shore-Long Island Jewish Health System.

SEC. 210. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading "Energy Supply", \$1,000,000 shall be made available for the Materials Science Center in Tempe, Arizona.

SEC. 211. No funds appropriated to the Nuclear Regulatory Commission for fiscal years 2000 and 2001 may be used to relocate, or to plan or prepare for the relocation of, the functions or personnel of the Technical Training Center from its location at Chattanooga, Tennessee.

CHAPTER 3

MILITARY CONSTRUCTION

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. In addition to amounts appropriated or otherwise made available in the Military Construction Appropriations Act, 2000, the following amounts are hereby appropriated as authorized by section 2854 of title 10, United States Code, as follows:

"Military Construction, Army Reserve", \$12,348,000;

"Family Housing, Army", \$2,000,000;

"Family Housing, Navy and Marine Corps", \$3,000,000; and

"Family Housing, Air Force", \$1,700,000:

Provided, That the funds in this section remain available until September 30, 2004: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$19,048,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 302. Notwithstanding any other provision of law, in addition to amounts appropriated or otherwise made available in the Military Construction Appropriations Act, 2000, \$1,000,000 is hereby appropriated to the "Military Construction, Defense-Wide" account, to remain available until September 30, 2004: Provided, That such amount shall be available for study, planning, design, architect and engineer services, as authorized by law: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for \$1,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(INCLUDING RESCISSION)

SEC. 303. (a) In addition to the amounts provided in Public Law 106-52, \$35,000,000 is appropriated under the heading "Military Construction, Navy" to remain available until September 30, 2004: Provided, That such funds are authorized and shall be available for the acquisition of land at Blount Island, Florida.

(b) Of the funds provided in the Military Construction Appropriations Act, 1996 (Public Law 104-32), \$35,000,000 is hereby rescinded as of the date of the enactment of this Act.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", \$77,000,000, to remain available until September 30, 2001; of which \$5,000,000 shall be available for military basic pay; \$18,000,000 shall be available for costs related to the delivery of health care to Coast Guard personnel, retirees, and their dependents; \$15,000,000 shall be available for basic allowance for housing; \$2,000,000 shall be available for the military housing areas cost of living adjustment; \$15,000,000 shall be available for recruiting and retention bonuses; \$1,000,000 shall be available for fixed wing aviator retention bonuses; \$8,000,000 shall be available for the clean up and repair of shore facilities from hurricane damage; and, \$13,000,000 shall be available for operational fuel and unit level operational readiness: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request for \$77,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit

Control Act of 1985, as amended, is transmitted by the President to the Congress.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", \$578,000,000, to remain available until expended; of which \$110,000,000 shall be available for the Great Lakes Icebreaker replacement; and of which \$468,000,000 shall be available for acquisition and conversion of six C-130J maritime patrol aircraft, as authorized under section 812(b)(1)(G) of the Western Hemisphere Drug Elimination Act: Provided, That the procurement of maritime patrol aircraft funded under this heading shall not, in any way, influence the procurement strategy, program requirements, or down-select decision pertaining to the Coast Guard's Deepwater Capability Replacement Project: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request for \$578,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

GENERAL PROVISIONS—THIS TITLE

SEC. 501. For an additional amount for the Agency for International Development, "International Disaster Assistance", \$25,000,000, for rehabilitation and reconstruction assistance for Mozambique, Madagascar, and southern Africa, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 502. For an additional amount for "Assistance for Eastern Europe and the Baltic States", \$50,000,000, to remain available until September 30, 2001: Provided, That this amount shall only be available for assistance for Montenegro and Croatia, and not to exceed \$12,400,000 for assistance for Kosovo: Provided further, That the amount specified in the previous proviso for assistance for Kosovo may be made available only for police activities: Provided further, That funds made available in the preceding provisos shall be available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II

NATURAL DISASTER ASSISTANCE AND OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For an additional amount for necessary expenses to carry out title IX of Public Law 106-78, \$1,350,000: Provided, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request for \$1,350,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of

1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$77,560,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for \$77,560,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949 for section 515 rental housing to be available from funds in the rural housing insurance fund to meet needs resulting from Hurricane Dennis, Floyd, or Irene, \$40,000,000.

For the additional cost of direct loans for section 515 rental housing, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, \$15,872,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RENTAL ASSISTANCE PROGRAM

For an additional amount for rental assistance agreements entered into or renewed pursuant to section 521(a)(2) of the Housing Act of 1949 for emergency needs resulting from Hurricane Dennis, Floyd, or Irene, \$13,600,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. With respect to any 1999 crop year loan made by the Commodity Credit Corporation to a cooperative marketing association established under the laws of North Carolina, and to any person or entity in North Carolina obtaining a 1999 crop upland cotton marketing assistance loan, the Corporation shall reduce the amount of such outstanding loan indebtedness in an amount up to 75 percent of the amount of the loan applicable to any collateral (in the case of cooperative marketing associations of upland cotton producers and upland cotton producers, not to exceed \$5,000,000 for benefits to such associations and such producers for up to 75 percent of the loss incurred by such associations and such producers with respect to upland cotton that had been placed under loan) that was produced in a county in which either the Secretary of Agriculture or the President of the United States declared a major disaster or emergency due to the occurrence of Hurricane Dennis, Floyd, or Irene if the Corporation determines that such collateral suffered any quality loss as a result of said hurricane: Provided, That if a person or entity obtains a benefit under this section with respect to a quantity of a commodity, no marketing loan gain or loan deficiency payment shall be made available under the Federal Agricultural Improvement and Reform Act of 1996 with respect to such quantity: Provided further, That no more than \$81,000,000 of the funds of the Corporation shall be available to carry out this section: Provided further, That

the entire amount shall be available only to the extent an official budget request for \$81,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 2102. In lieu of imposing, where applicable, the assessment for producers provided for in subsection (d)(8) of 7 U.S.C. 7271 (section 155 of the Agricultural Market Transition Act), the Secretary shall, as necessary to offset remaining loan losses for the 1999 crop of peanuts, borrow such amounts as would have been collected under 7 U.S.C. 7271(d)(8) from the Commodity Credit Corporation. Such borrowing shall be against all excess assessments to be collected under 7 U.S.C. 7271(g) for crop year 2000 and subsequent years. For purposes of the preceding sentence, an assessment shall be considered to be an "excess" assessment to the extent that it is not used, or will not be used, under the provisions of 7 U.S.C. 7271(d), to offset losses on peanuts for the crop year in which the assessment is collected. The Commodity Credit Corporation shall retain in its own account sums collected under 7 U.S.C. 7271(g) as needed to recover the borrowing provided for in this section to the extent that such collections are not used under 7 U.S.C. 7271(d) to cover losses on peanuts: Provided, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 2

DEPARTMENT OF JUSTICE

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", \$12,000,000, to remain available until expended, to be divided equally between the States of Texas, New Mexico, Arizona, and California, to reimburse county and municipal governments only for Federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling cases. The use of these funds is limited to: court costs, courtroom technology, the building of holding spaces, administrative staff, and indigent defense costs: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$181,000,000, to remain available until expended, which shall be deposited in the Telecommunications Carrier Compliance Fund: Provided, That, hereafter, in the discretion of the Attorney General, any expenditures from the Fund to pay or reimburse pursuant to sections 104(e) and 109(a) of Public Law 103-414, may be made directly to any parties specified in

section 401(a) thereof, and may be made either pursuant to the regulations promulgated under such section 109, or pursuant to firm fixed-price agreements, upon provision of such information as the Attorney General may require: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF JUSTICE PROGRAMS
JUSTICE ASSISTANCE

For an additional amount for "Justice Assistance" for grants to counties with populations of less than 150,000, and Indian reservations, in Arizona that are adjacent to the United States-Mexico border, \$2,000,000: Provided, That such grants shall be allocated in proportion to the population of each such county and Indian reservation: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs", \$55,800,000, to remain available until expended, for planning, public works grants and revolving loan funds for communities affected by Hurricane Floyd and other recent hurricanes and disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research and Facilities", \$30,700,000, to remain available until expended, to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation Management Act, including compensation to fishermen for losses and equipment damage, resulting from Hurricane Floyd and other recent hurricanes and fishery disasters in the Long Island Sound lobster fishery and the west coast groundfish fishery, and for the repair of the National Oceanic and Atmospheric Administration hurricane reconnaissance aircraft: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of such amount, \$13,300,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the en-

tire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF STATE
INTERNATIONAL COMMISSIONS
AMERICAN SECTIONS, INTERNATIONAL
COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission, as authorized by treaties between the United States and Canada or Great Britain, \$2,150,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER

UNITED STATES COMMISSION ON INTERNATIONAL
RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$2,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION
DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, \$15,500,000, to remain available until expended to subsidize additional gross obligations for the principal amount of direct loans: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for direct administrative expenses to carry out the disaster loan program, an additional \$25,400,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and Expenses": Provided further, That no funds shall be transferred to and merged with appropriations for "Salaries and Expenses" for indirect administrative expenses: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2201. For an additional amount for "Operations, Research, and Facilities", for emergency expenses for fisheries disaster relief pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended, for the Pribilof Island and East Aleu-

tian area of the Bering Sea, \$10,000,000 to remain available until expended: Provided, That in implementing this section, the Secretary of Commerce shall make \$7,000,000 available for disaster assistance and \$3,000,000 for Bering Sea ecosystem research including \$1,000,000 for the State of Alaska to develop a cooperative research plan to restore the crab fishery: Provided further, That the Secretary of Commerce declares a fisheries failure pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2202. For an additional amount for "Operations, Research, and Facilities", \$10,000,000 to provide emergency disaster assistance for the commercial fishery failure determined under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to the Northeast multispecies fishery, which shall be used to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery that permanently revokes multispecies, limited access fishing permits so as to obtain the maximum sustained reduction in fishing capacity at the least cost and in the minimum period of time and to prevent the replacement of fishing capacity removed by the program: Provided, That the entire amount made available in this section is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2203. For an additional amount for the account entitled "Operations, Research, and Facilities", to remain available until expended, \$7,000,000, of which \$2,000,000 shall be for studies relating to long-line interactions with sea turtles in the North Pacific and commercial fishing activities in the Northwest Hawaiian Islands, and of which \$5,000,000 shall be for observer coverage for the Hawaiian long-line fishery: Provided, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for \$7,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2204. NORTH PACIFIC MARINE RESEARCH INSTITUTE.—Public Law 101-380, as amended, is further amended by—

(a) inserting after section 5007 the following new section:

"SEC. 5008. NORTH PACIFIC MARINE RESEARCH INSTITUTE.

"(a) INSTITUTE ESTABLISHED.—The Secretary of Commerce shall establish a North Pacific Marine Research Institute (hereafter in this section referred to as the 'Institute') to be administered at the Alaska SeaLife Center by the North Pacific Research Board.

“(b) FUNCTIONS.—The Institute shall—

“(1) conduct research and carry out education and demonstration projects on or relating to the North Pacific marine ecosystem with particular emphasis on marine mammal, sea bird, fish, and shellfish populations in the Bering Sea and Gulf of Alaska including populations located in or near Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge; and

“(2) lease, maintain, operate, and upgrade the necessary research equipment and related facilities necessary to conduct such research at the Alaska SeaLife Center.

“(c) EVALUATION AND AUDIT.—The Secretary of Commerce may periodically evaluate the activities of the Institute to ensure that funds received by the Institute are used in a manner consistent with this section. The Comptroller General of the United States, and any of his or her duly authorized representatives, shall have access, for purposes of audit and examination, to any books, documents, papers, and records of the Institute that are pertinent to the funds received and expended by the Institute.

“(d) STATUS OF EMPLOYEES.—Employees of the Institute shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

“(e) USE OF FUNDS.—No funds made available to carry out this section may be used to initiate litigation, or for the acquisition of real property (other than facilities leased at the Alaska SeaLife Center). No more than 10 percent of the funds made available to carry out subsection (b)(1) may be used to administer the Institute.

“(f) AVAILABILITY OF RESEARCH.—The Institute shall publish and make available to any person on request the results of all research, educational, and demonstration projects conducted by the Institute. The Institute shall provide a copy of all research, educational, and demonstration projects conducted by the Institute to the National Park Service, the United States Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration.”; and

(b) in section 5006 by inserting at the end the following new subsection:

“(c) SECTION 5008.—Amounts in the Fund shall be available, without further appropriation and without fiscal year limitation, to carry out section 5008(b), in an amount not to exceed \$5,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.”.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for “Wildland Fire Management”, \$200,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That \$100,000,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

LAND ACQUISITION

For an additional amount for “Land Acquisition”, \$2,000,000, to remain available until ex-

pendent, for acquisition of additional lands known as the Douglas Tract on the Potomac River in the State of Maryland, to be derived from the Land and Water Conservation Fund: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That \$2,000,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For an additional amount for “Regulation and Technology”, \$9,821,000, to remain available until expended for the regulatory program of the State of West Virginia, of which \$6,222,000, not subject to section 705(a) of the Surface Mining Control and Reclamation Act, shall be available for regulatory program enhancements for the surface mining regulatory program of the State of West Virginia: Provided, That the balance of the funds shall be made available to the State to augment staffing and provide relative support expenses for the State's regulatory program: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for \$9,821,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System” for emergency expenses resulting from damages from wind storms, \$2,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

WILDLAND FIRE MANAGEMENT

For an additional amount for “Wildland Fire Management”, \$150,000,000, to remain available until expended, for emergency rehabilitation, presuppression, and wildfire suppression: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. Notwithstanding any other provision of law, the Indian Health Service is authorized to improve municipal, private or tribal lands with respect to the new construction of the clinic for the community of King Cove, Alaska authorized under section 353 of Public Law 105-277 (112 Stat. 2681-303).

SEC. 2302. From funds previously appropriated in Public Law 105-277 or other Interior and Related Agencies Appropriations Acts under the heading “Department of Energy, Fossil Energy Research and Development”, the Secretary of Energy shall make available within 30 days after enactment of this Act \$750,000 for the purpose of executing proposal No. FT40770.

SEC. 2303. (a) Using funds appropriated by section 501(d) of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106-31), the Secretary shall provide interim compensation within 60 days of the date of the enactment of this Act to—

(1) Dungeness fishing vessel crew members eligible for interim compensation under the existing National Park Service program (64 Fed. Reg. 145);

(2) United States fish processors which have been negatively affected by restrictions on fishing for Dungeness crab in Glacier Bay National Park and which previously received interim compensation; and

(3) Buy N Pack Seafoods, a United States fish processor located in Hoonah, Alaska and which has been severely and negatively impacted by restrictions on fishing in Glacier Bay National Park, for estimated 1999 and 2000 losses based on an average net income derived from processing product harvested from Glacier Bay fisheries from 1995 through 1998.

Payments made to processors under paragraph (2) are intended to compensate recipients for losses incurred in 2000 and shall not exceed compensation provided for losses incurred in 1999. The Park Service shall not delay the scheduled public involvement process for the Glacier Bay compensation plan.

(b) The amount of final compensation paid to any entity shall be reduced by the total dollar amount of any interim compensation payments received.

(c) Funds appropriated for the purpose of making payments authorized by section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277, as amended) shall also be available for making payments authorized in subsection (c) of that section.

CHAPTER 4

DEPARTMENT OF LABOR

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by striking “including not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy” and inserting “and, in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy”.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES

ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For “Health Resources and Services” for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, \$20,000,000, which shall become available on October 1, 2000, and shall remain available until September 30, 2001: Provided, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: Provided further, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grant: Provided further, That such grants

shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 2.5 percent of such amount.

For an additional amount for "Health Resources and Services", \$3,000,000 to remain available until September 30, 2001, for renovation and construction of a children's psychiatric services facility in Wading River, New York: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disease Control, Research, and Training", \$12,000,000 for international HIV/AIDS programs, to remain available until September 30, 2001: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Disease Control, Research, and Training", \$460,000, to be derived by transfer from the amount made available for fiscal year 2000 for "Health Resources and Services Administration-Health Resources and Services" for construction and renovation of health care and other facilities.

ADMINISTRATION FOR CHILDREN AND FAMILIES PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For an additional amount for "Payments to States for Foster Care and Adoption Assistance" for payments for fiscal year 2000, \$35,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low Income Home Energy Assistance" for emergency assistance under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), \$600,000,000, to remain available until expended: Provided, That the entire amount is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent an official budget request for a specific dollar amount that includes designations of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

REFUGEE AND ENTRANT ASSISTANCE

Funds appropriated under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) for fiscal year 2000, pursuant to section 414(a) of the Immigration and Nationality Act, shall be available for the costs of assistance provided and other activities through September 30, 2002.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by inserting after "\$934,285,000" the following: ", of which \$2,200,000 shall be for the Anchorage, Alaska Senior Center, and shall remain available until expended".

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT (RESCISSION)

Of the amounts appropriated under this heading in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113), \$20,000,000 is rescinded: Provided, That the amount rescinded is from the amount designated to become available on October 1, 2000, and to remain available until September 30, 2001.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSION)

For an additional amount for "Public Health and Social Services Emergency Fund", \$31,200,000, to remain available until expended for the National Pharmaceutical Stockpile: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, \$43,200,000 of the funds appropriated under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is hereby rescinded: Provided, That of such rescission, \$12,000,000 shall be derived from the amount specified under such heading for international HIV/AIDS programs; and \$31,200,000 shall be derived from the amount specified under such heading for activities related to countering potential biological, disease and chemical threats to civilian populations.

GENERAL PROVISION—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 2401. Section 206 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by inserting before the period at the end the following: "": Provided further, That this section shall not apply to funds appropriated under the heading "Centers for Disease Control and Prevention—Disease Control, Research, and Training", funds made available to the Centers for Disease Control and Prevention under the heading "Public Health and Social Services Emergency Fund", or any other funds made available in this Act to the Centers for Disease Control and Prevention".

DEPARTMENT OF EDUCATION

SPECIAL EDUCATION

The matter under this heading in the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by inserting after the words "Salt Lake City Organizing Committee" the words ", or a governmental agency or not-for-profit organization designated by the Salt Lake City Organizing Committee".

VOCATIONAL AND ADULT EDUCATION

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by striking "\$858,150,000" and inserting "\$882,650,000", and by striking the last proviso, and inserting "Provided further, That of the funds provided to become available on July 1, 2000, \$19,000,000 shall be for Youth Offender Grants, of which \$5,000,000 shall be used in accordance with section 601 of Public Law 102-73 as that section was in effect prior to the enactment of Public Law 105-220.".

HIGHER EDUCATION

Funds appropriated under this heading in Public Law 105-78 to carry out title X-E of the Higher Education Act shall be available for obligation by the states through September 30, 2000, and funds appropriated under this heading in Public Law 105-277 to carry out title VIII-D of the Higher Education Amendments of 1998 shall be available for obligation by the states through September 30, 2001.

For an additional amount for "Higher Education" for carrying out part B of title VII of the Higher Education Act of 1965, \$750,000, to remain available until expended, which shall be awarded to the College of New Jersey, in Ewing, New Jersey, for creation of a center for inquiry and design-based learning in mathematics, science and technology education: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(INCLUDING TRANSFER OF FUNDS)

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended—

(1) by striking "North Babylon Community Youth Services for an educational program" and inserting "Town of Babylon Youth Bureau for an educational program";

(2) by striking "to promote participation among youth in the United States democratic process" and inserting "to expand access to and improve advanced education";

(3) by striking "\$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education/exposure programs for local elementary school students" and inserting "\$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education programs for local school students";

(4) by striking "Oakland Unified School District in California for an African American Literacy and Culture Project" and inserting "California State University, Hayward, for an African-American Literacy and Culture Project carried out in partnership with the Oakland Unified School District in California"; and

(5) by striking "\$900,000 shall be awarded to the Boston Music Education Collaborative comprehensive interdisciplinary music program and teacher resource center in Boston, Massachusetts" and inserting "\$462,000 shall be awarded to the Boston Symphony Orchestra for the teacher resource center and \$370,000 shall be awarded to the Boston Music Education Collaborative for an interdisciplinary music program, in Boston, Massachusetts".

For an additional amount for "Education Research, Statistics, and Improvement" to carry out part A of title X of the Elementary and Secondary Education Act of 1965, \$368,000, to be derived by transfer from the amount made available for fiscal year 2000 for "Health Resources and Services Administration—Health Resources and Services" for construction and renovation of health care and other facilities: Provided, That such amount shall be awarded to the George Mason University Center for Services to Families and Schools to expand a program for schools and families of children suffering from attentional, cognitive, and behavioral disorders.

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for "Limitation on Administrative Expenses", \$35,000,000, to be available through September 30, 2001: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2402. Section 513 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by inserting before the period at the end the following: "": Provided further, That the provisions of this section shall not apply to any funds appropriated to the Centers for Disease Control and Prevention or to the Department of Education".

SEC. 2403. Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)), as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended—

(1) in subparagraph (F), by striking "\$1,500,000" and inserting "\$15,000,000";

(2) in subparagraph (G), by striking "\$900,000" and inserting "\$9,000,000"; and

(3) in subparagraph (H), by striking "\$300,000" and inserting "\$3,000,000".

SEC. 2404. (a) The Workforce Investment Act of 1998 (20 U.S.C. 2841) is amended—

(1) in section 503—

(A) by striking "under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.)" each place it appears and inserting "under Public Law 105-332 (20 U.S.C. 2301 et seq.)"; and

(B) by adding at the end the following:

"(d) Notwithstanding any other provision of this section, for fiscal year 2000, the Secretary shall not consider the expected levels of performance under Public Law 105-332 (20 U.S.C. 2301 et seq.) and shall not award a grant under subsection (a) based on the levels of performance for that Act.".

(b) Section 111 (a)(1)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2321) is amended by striking "fiscal years 2000" and inserting "fiscal years 2001".

SEC. 2405. Of the funds made available in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) for section 10105 of part A of title X of the Elementary and Secondary Education Act of 1965, \$2,250,000 of the amount appropriated shall be available October 1, 1999 for evaluation, technical assistance, and school networking activities, and up to 1 percent of the amount appropriated shall be available October 1, 1999, for peer review of applications.

SEC. 2406. Section 508(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(f)(1)) is amended—

(1) in subparagraph (A), by striking "Effective" and all that follows through "1998," and inserting "Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2)."; and

(2) in subparagraph (B), by striking "2 years" and all that follows and inserting "6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).".

SEC. 2407. For an additional amount for "Health Resources and Services Administration, Health Resources and Services", \$3,500,000, for the Saint John's Lutheran Hospital in Libby, Montana, for construction and renovation of health care and other facilities and an additional amount for the "Economic Development Administration", \$8,000,000, only for a grant to the City of Libby, Montana, such amount to be transferred to the City upon its request, notwithstanding the provisions of any other law and without any local matching share or award conditions: Provided, That the entire amounts in this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amounts provided within this section shall be available only to the extent an official budget request that includes designation of the entire amounts of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

FIRE SAFETY

For an additional amount for the Architect of the Capitol for expenses for fire safety, \$17,480,000, to remain available until expended, of which \$7,039,000 shall be for "Capitol Buildings and Grounds—Capitol Buildings—Salaries and Expenses"; \$2,314,000 shall be for "Senate Office Buildings"; \$4,213,000 shall be for "House Office Buildings"; \$3,000 shall be for "Capitol Power Plant"; \$26,000 shall be for "Botanic Garden—Salaries and Expenses"; and \$3,885,000 shall be for "Architect of the Capitol—Library Buildings and Grounds—Structural and Mechanical Care": Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. Section 127(e)(1) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 19 U.S.C. 2213 note) is amended by striking "12 months" and insert "15 months".

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Acquisition, construction, and improvements", \$45,000,000 shall be available until expended for acquisition of one C-37A command and control aircraft: Provided, That the Commandant of the Coast Guard shall sell the current VC-11A command and control aircraft and credit the proceeds from that sale as offsetting collections to the appropriation under this heading: Provided further, That such proceeds may not be obligated without further appropriation: Provided further, That of the available balances under this heading from previous appropriations Acts, \$11,400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Operations", \$75,000,000, to be derived from the Airport and Airway Trust Fund and to be available until September 30, 2001: Provided, That the entire amount under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$75,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$19,739,000, for emergency expenses associated with the investigation of the Egypt Air 990 and Alaska Air 261 accidents, to remain available until expended: Provided, That such funds shall be available for wreckage location and recovery facilities, technical support, testing, and wreckage mock-up: Provided further, That in the event the Arab Republic of Egypt reimburses the National Transportation Safety Board for wreckage location and recovery, family assistance, and interagency expenses, the Secretary of the Treasury shall reduce the appropriation under this heading by an amount equal to the reimbursement, less \$5,000,000: Provided further, That the Secretary of the Treasury shall not credit the appropriation under this heading with a reimbursement in excess of \$8,983,000: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. Notwithstanding any other provision of law, of the funds available under section 104(a) of title 23, United States Code, \$1,200,000 shall be available for the Paso Del Norte International Bridge in the state of Texas; \$9,000,000 shall be available for the US 82 Mississippi River Bridge in the state of Mississippi; \$2,000,000 shall be available for the Union Village/Cambridge Junction bridges in the state of Vermont; \$5,000,000 shall be available for the Naheola Bridge in the state of Alabama; \$3,000,000 shall be available for the Hoover Dam Bypass in the states of Arizona and Nevada; \$3,000,000 shall be available for the Witt-Penn Bridge in the state of New Jersey; and \$12,000,000 shall be available for the Florida Memorial Bridge in the state of Florida.

SEC. 2602. Of the funds transferred to the Department of Transportation for Year 2000 conversion of Federal information technology systems and related expenses pursuant to Public Law 105-277, \$26,600,000 of the unobligated balance are hereby rescinded: Provided, That the Department of Transportation shall allocate this rescission among the appropriate accounts within the Department and report such allocation to the House and Senate Committees on Appropriations.

SEC. 2603. (a) The Administrator of the Environmental Protection Agency shall make a grant for the purpose of carrying out the first year of a 2-year program to implement in five metropolitan areas pilot design programs developed under section 365(a)(2) of the Department of Transportation and Related Agencies Appropriations Act, 2000 (113 Stat. 1028-1029).

(b) The Administrator shall ensure that each pilot design program is implemented in accordance with recommendations developed by the National Telecommuting and Air Quality Steering Committee, in consultation with the local design teams.

(c) Grants received under subsection (a) may be used for—

(1) protocol development in the five metropolitan areas;

(2) marketing of the telecommute, emissions reduction, pollution credits strategy and recruitment of participating employers; and

(3) data gathering on emissions reductions.

(d) In addition to the grant under subsection (a), for the purpose of carrying out the second year of the 2-year program referred to in subsection (a), the Administrator shall—

(1) make a grant of \$750,000 to the National Environmental Policy Institute (a nonprofit private entity incorporated under the laws of and located in the District of Columbia); and

(2) make grants totaling \$1,250,000 to local agencies within the five metropolitan areas referred to in subsection (a).

(e) Not later than 360 days from first day of the second year of the 2-year program referred to in subsection (a), the Administrator shall transmit to Congress a report on the results of the program.

(f) The Administrator shall carry out this section in collaboration with the Secretary of Transportation.

(g) There is appropriated to the Department of Transportation, "Office of the Assistant Secretary for Policy", \$2,000,000 to carry out this section. Such amounts shall be transferred to and administered by the Environmental Protection Agency and shall remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2604. Notwithstanding any other provision of law, hereafter, funds apportioned under section 104(b)(3) of title 23 which are applied to projects involving the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may have a Federal share up to 100 percent of the cost of construction.

SEC. 2605. Notwithstanding any other provision of law, for necessary expenses for planning, preliminary engineering and design of the Metro-North Danbury to Norwalk commuter rail line re-electrification project, \$2,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That the entire

amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2606. Notwithstanding any other provision of law, for necessary expenses for the Second Avenue Subway in New York City, New York, \$3,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2607. Notwithstanding any other provision of law, for necessary expenses relating to a study of improvements to Highway 8, from the Minnesota border to Highway 51 in the state of Wisconsin, \$500,000, to be derived from the Highway Account of the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2608. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, Halls Mill Road in Monmouth County, New Jersey, \$1,000,000, to be derived from the Highway Account of the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount, \$24,900,000 for the Secretary of the Treasury to establish and operate an in-service firearms training facility for the United States Customs Service and other agencies, to remain available until expended: Provided, That the Secretary is authorized to designate a lead agency to oversee the development, implementation and operation of the facility and to conduct training: Provided further, That the land identified as the Sleepy Hollow Partnership and Marcus Enterprises tract (44,-R), Harpers Ferry Magisterial District, Jefferson County, West Virginia, together with a forty-five foot right-of-way over the lands of Valley Blox, Inc. as described in the deed from Joel T. Broyhill Enterprises, Inc. to Sleepy Hollow Partnership, et al., in a Deed dated March 29, 1989, and recorded in the Jefferson County Clerk's Office in Deed Book 627, Page 494, origi-

nally acquired by the United States Fish and Wildlife Service as a proposed site for a training center but not selected for that purpose and presently held by the United States Fish and Wildlife Service in an administrative capacity, shall be managed by the National Park Service pursuant to a cooperative management agreement between the United States Fish and Wildlife Service and the National Park Service, consistent with the laws (including regulations) generally applicable to the National Park Service: Provided further, That administrative jurisdiction of a suitable portion of said land that is necessary for the creation of a Department of the Treasury training facility, to be identified by the National Park Service, shall be transferred under a lease-type arrangement at no cost within 120-days of the date of the enactment of this Act to the Department of the Treasury for such time as required by the Department of the Treasury: Provided further, That the training to be conducted at the facility shall be configured in a manner so that it does not duplicate or displace any Federal law enforcement program of the Federal Law Enforcement Training Center: Provided further, That training currently being conducted at a Federal Law Enforcement Training Center facility shall not be moved to the new training facility: Provided further, That at such time as the land is no longer required for training purposes, administrative jurisdiction shall be transferred back to the Department of the Interior in a manner and condition acceptable to the Department of the Interior: Provided further, That the total amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$4,000,000,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" related to planning, coordination and implementation of security for national special security and major protective events, \$10,000,000: Provided, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

EXECUTIVE OFFICE OF THE PRESIDENT
AND FUNDS APPROPRIATED TO THE
PRESIDENT

OFFICE OF ADMINISTRATION
INFORMATION TECHNOLOGY

For necessary expenses of the Office of Administration for restoration and reconstruction of certain electronic mail messages and for inclusion of such messages in the Automated Records Management System, \$8,400,000, which shall remain available until September 30, 2002: Provided, That such funds may not be obligated until the Office of Administration submits to the Committees on Appropriations an independent verification and validation of the initial and projected costs of the tape restoration and reconstruction project: Provided further, That such submission shall include the final report prepared by the independent verification and validation contractor to the Office of Administration relating to the initial and projected cost estimates: Provided further, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION
POLICY AND OPERATIONS

For an additional amount, \$3,300,000 to remain available until expended for the Salt Lake 2002 Winter Olympic and Paralympic Games doping control program: Provided, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. Notwithstanding section 1345 of title 31, United States Code, or section 610 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 113 Stat. 467), funds made available for fiscal year 2000 for any other department or agency of the Federal Government with authority to conduct counterdrug intelligence activities may be available to finance an appropriate share of the administrative costs incurred by the Department of Justice for the Counterdrug Intelligence Executive Secretariat authorized by the General Counterdrug Intelligence Plan of February 12, 2000, except that the total amount that may be used under this section for such purpose shall not exceed \$1,100,000.

SEC. 2702. (a) The unobligated balance as of September 30, 2000, of funds appropriated under the heading "Internal Revenue Service, Information Technology Investments" in the Treasury Department Appropriations Act, 1998, title I of Public Law 105-61, is rescinded.

(b) Subsection (a) shall be effective September 30, 2000.

(c) The amount rescinded pursuant to subsection (a) is appropriated for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109, which shall be available through September 30, 2001: Provided, That none of these funds shall be obligated until the Internal Revenue Service submits to Congress and Congress

approves a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

SEC. 2703. RESTORATION OF MEDICARE TRUST FUNDS. (a) CORRECTION OF TRUST FUND HOLDINGS.—

(1) IN GENERAL.—Within 120 days after the effective date of this Act, the Secretary of the Treasury shall take the actions described in paragraph (2) with respect to each trust fund with the goal being that, after the actions are taken, the holdings of the trust fund will replicate, to the extent practicable in the judgement of the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, the obligations that would have been held by the trust fund if the clerical error had not occurred.

(2) OBLIGATIONS ISSUED AND REDEEMED.—The Secretary of the Treasury shall—

(A) issue to each trust fund obligations under chapter 31 of title 31, United States Code, that bear issue dates, interest rates, and maturity dates as the obligations that—

(i) would have been issued to the trust fund if the clerical error had not occurred; or

(ii) were issued to the trust fund and were redeemed by reason of the clerical error; and

(B) redeem from each trust fund obligations that—

(i) would not have been issued to the trust fund if the clerical error had not occurred; or

(ii) would have been redeemed from the trust fund if the clerical error had not occurred.

(b) CORRECTION OF INTEREST INCOME.—

(1) TRANSFER OF EXCESS INTEREST INCOME.—Within 120 days after the effective date of this Act, the Secretary of the Treasury shall transfer from the Federal Hospital Insurance Trust Fund to the Federal Supplementary Medical Insurance Trust Fund an amount determined by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to be equal to the amount of interest income that was credited to the Federal Hospital Insurance Trust Fund that would not have been credited if the clerical error had not occurred.

(2) CREDIT OF LOST INTEREST INCOME.—Within 120 days after the effective date of this Act, there is hereby appropriated to the Federal Supplementary Medical Insurance Trust Fund, out of any money in the Treasury not otherwise appropriated, an amount determined by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to be equal to the difference between—

(A) the interest income lost by that trust fund through the date of credit by reason of the clerical error; and

(B) the amount transferred to that trust fund under paragraph (1).

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CLERICAL ERROR.—The term "clerical error" means the erroneous transfers of moneys between the investment accounts and uninvested transfer accounts of the trust funds that occurred in the fiscal year ending September 30, 1999, as described in the Department of Health and Human Services' "Accountability Report for Fiscal Year 1999: Federal Managers Financial Integrity Act Report on Systems and Controls".

(2) TRUST FUND.—The term "trust fund" means either the Federal Hospital Insurance

Trust Fund or the Federal Supplementary Medical Insurance Trust Fund.

SEC. 2704. (a) IN GENERAL.—Of the amounts provided to the Office of National Drug Control Policy for fiscal year 2000, pursuant to section 237 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113, the Director of such Office shall make a direct payment of \$3,000,000 to the United States Olympic Committee for the conduct of anti-doping activities through the United States Anti-Doping Agency.

(b) DIRECT PAYMENTS.—Effective on the date of the enactment of this Act, the Director of the Office of National Drug Control Policy is authorized and directed to make a direct payment to the United States Olympic Committee for the conduct of anti-doping activities through the United States Anti-Doping Agency.

SEC. 2705. (a) The unobligated balance as of September 30, 2000, of funds transferred to the United States Secret Service pursuant to the second sentence of section 240 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113, is rescinded.

(b) Subsection (a) shall be effective September 30, 2000.

(c) The amount rescinded pursuant to subsection (a) is appropriated to the United States Secret Service for salaries and expenses, to remain available until September 30, 2001.

SEC. 2706. Of the amounts provided in Public Law 106-58 in the Policy and Operations account, the General Services Administration is hereby authorized to provide \$225,000, to remain available until expended, for the Nebraska State Patrol Digital Distance Learning project.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANTS

The referenced statement of the managers in the sixth undesignated paragraph under this heading in title II of Public Law 106-74 is deemed to be amended by striking "Montgomery" in reference to the planning and construction of a regional learning center at Spring Hill College, and inserting "Mobile".

The referenced statement of the managers in the fourth undesignated paragraph under this heading in title II of Public Law 106-74 for neighborhood initiatives for specified grants to the City of Yankton, South Dakota, for the restoration of the downtown area and the development of the Fox Run Industrial Park is deemed to be amended by adding after the word "Park" the following: "and for activities to facilitate economic development, including infrastructure improvements".

For an additional amount for targeted economic development initiatives under the Community Development Block Grants program, \$27,500,000: Provided, That the statement of the managers accompanying Public Law 106-74 is deemed to be amended to include in the description of targeted economic development initiatives the following:

"—\$1,300,000 to the City of Park Falls, Wisconsin for economic development, including purchase of municipal equipment and infrastructure improvements in industrial parks and the City of Park Falls;

"—\$250,000 to the Lake Superior BTC cultural center in Washburn, Wisconsin for restoration of facilities and equipment destroyed by fire;

"—\$900,000 to the City of Hatley, Wisconsin for the cost of water, wastewater and sewer system improvements;

"—\$50,000 to the City of Hamlet, North Carolina for demolition and removal of buildings and equipment destroyed by fire; and

"—\$25,000,000 to the City of Youngstown, Ohio for site acquisition, planning, architectural design, and construction of a convocation and community center."

Provided, That the entire amount under this paragraph shall be available only to the extent

that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, \$36,000,000: Provided, That of said amount, \$11,000,000 shall be provided to the New Jersey Department of Community Affairs and \$25,000,000 shall be provided to the North Carolina Housing Finance Agency for the purpose of providing temporary assistance in obtaining rental housing, and for construction of affordable replacement housing: Provided further, That assistance provided under this paragraph shall be for very low-income families displaced by flooding caused by Hurricane Floyd and surrounding events: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

HOMELESS ASSISTANCE GRANTS

Of the amounts made available under this heading in title II of Public Law 106-74, the Secretary of Housing and Urban Development shall, for each request described in the following proviso, make a 1-year grant to the entity making the request in the amount under the second proviso: Provided, That a request described in this proviso is a request for a grant under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11381 et seq.) for permanent housing for homeless persons with disabilities or subtitle F of such title (42 U.S.C. 11403 et seq.) that: (1) was submitted in accordance with the eligibility requirements established by the Secretary and pursuant to the notice of funding availability for fiscal year 1999 covering such programs, but was not approved; (2) was made by an entity that received such a grant pursuant to the notice of funding availability for a previous fiscal year; and (3) requested renewal of funding made under such previous grant for use for eligible activities because funding under such previous grant expires during calendar year 2000: Provided further, That the amount under this proviso is the amount necessary, as determined by the Secretary, to renew funding for the eligible activities under the grant request for a period of only 1 year, taking into consideration the amount of funding requested for the first year of funding under the grant request: Provided further, That in the third proviso under this heading in Public Law 106-74, insert "and management and information systems" after "technical assistance".

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

The Secretary of Housing and Urban Development is prohibited from using any funds in Public Law 106-74 or any other Act to employ more than 9,100 full-time equivalent employees at the Department of Housing and Urban Development in fiscal year 2000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING RESCISSION OF FUNDS)

Of the amounts made available under this heading in Public Law 106-74, \$6,000,000 pro-

vided for the "Office of Inspector General" is rescinded. For an additional amount for the "Office of Inspector General", \$6,000,000, to remain available until September 30, 2001: Provided, That these funds shall be made available under the same terms and conditions as authorized for the funds under this heading in Public Law 106-74.

INDEPENDENT AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES (RESCISSION OF FUNDS)

Of the amounts available in the National Service Trust account from previous appropriations Acts, \$1,000,000 shall be rescinded.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the "Office of Inspector General" for reviews and audits of the State Commissions on National and Community Service (including alternative administrative entities) established under section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638), \$1,000,000, to remain available until September 30, 2001.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT (INCLUDING TRANSFER OF FUNDS)

Of the amount appropriated under this heading in title III of Public Law 106-74, \$2,374,900, in addition to amounts made available for the following in prior Acts, shall be and have been available to award grants for work on the Buffalo Creek and other New York watersheds and for aquifer protection work in and around Cortland County, New York, including work on the Upper Susquehanna watershed.

Of the amount appropriated under this heading in title III of Public Law 105-276 to establish a regional environmental data center and to develop an integrated, automated water quality monitoring and information system for watersheds impacting Chesapeake Bay, \$2,600,000 shall be transferred to the "State and tribal assistance grants" account to remain available until expended for grants for wastewater and sewer infrastructure improvements for Smithfield Township, Monroe County (\$800,000); the Municipal Authority of the Borough of Milford, Pike County (\$800,000); the City of Carbondale, Lackawanna County (\$200,000); Throop Borough, Lackawanna County (\$200,000); and Dickson City, Lackawanna County (\$600,000), Pennsylvania.

None of the funds made available for fiscal years 2000 and 2001 for the Environmental Protection Agency may be used to make a final determination on or implement any new rule relative to the Proposed Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy and the Proposed Revisions to the Water Quality Planning and Management Regulations Concerning Total Maximum Daily Load, published in the Federal Register on August 23, 1999.

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106-74), is deemed to be amended by striking "in the town of Waynesville" in reference to water and wastewater infrastructure improvements as identified in project number 102, and by inserting "Haywood County"; by adding the words "for the Fourpole Pumping Station" after the word "improvements" in reference to water and wastewater infrastructure improvements as identified in project number 135; and by striking the words "at the West County Wastewater Treatment Plant" in reference to wastewater infrastructure improvements within the Metropolitan Sewer District at Louisville, Kentucky as identified in project number 50.

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

Of the unobligated balances made available under the second paragraph under this heading in Public Law 106-74, in addition to other amounts made available, up to \$50,000,000 may be used by the Director of the Federal Emergency Management Agency for the buyout or elevation of properties which are principal residences that have been made uninhabitable by floods in areas which were declared Federal disasters in fiscal years 1999 and 2000: Provided, That such properties are located in a 100-year floodplain: Provided further, That no homeowner may receive any assistance for buyouts in excess of the pre-flood fair market value of the residence (reduced by any proceeds from insurance or any other source paid or owed as a result of the flood damage to the residence): Provided further, That each state shall ensure that there is a contribution from non-Federal sources of not less than 25 percent in matching funds (other than administrative costs) for any funds allocated to the State for buyout assistance: Provided further, That all buyouts under this section shall be subject to the terms and conditions specified under 42 U.S.C. 5170c(b)(2)(B): Provided further, That none of the funds made available for buyouts under this paragraph may be used in any calculation of a State's section 404 allocation: Provided further, That the Director shall report quarterly to the House and Senate Committees on Appropriations on the use of all funds allocated under this paragraph and certify that the use of all funds are consistent with all applicable laws and requirements: Provided further, That no funds shall be allocated for buyouts under this paragraph except in accordance with regulations promulgated by the Director: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

For an additional amount for "Science, aeronautics and technology", \$1,500,000, to remain available until September 30, 2001: Provided, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Title V, subtitle C, section 538 of Public Law 106-74, is amended by striking "during any period that the assisted family continues residing in the same project in which the family was residing on the date of the eligibility event for the project, if" and inserting the following: "the assisted family may elect to remain in the same project in which the family was residing on the date of the eligibility event for the project, and if, during any period the family makes such an election and continues to so reside,".

SEC. 2802. Section 175 of Public Law 106-113 is amended by striking "as a grant for Special Olympics in Anchorage, Alaska to develop the

Ben Boeke Arena and Hilltop Ski Area," and inserting the following "to the Organizing Committee for the 2001 Special Olympics World Winter games to be used in support of related activities in Alaska,".

SEC. 2803. (a) TECHNICAL REVISION TO PUBLIC LAW 106-74.—Title II of Public Law 106-74 is amended—

(1) under the heading "Urban Empowerment Zones", by striking "\$3,666,000" and inserting "\$3,666,666"; and

(2) under the heading "Community Development Block Grants" under the fourth undesignated paragraph, by striking "\$23,000,000" and inserting "\$22,750,000".

(b) TECHNICAL REVISION TO PUBLIC LAW 106-113.—Section 242(a) of Appendix E of Public Law 106-113 is amended—

(1) by striking "seventh" and inserting "sixth"; and

(2) by striking "\$250,175,000" and inserting "\$250,900,000".

(c) EFFECTIVE DATES.—The amendments made by—

(1) subsection (a) shall be construed to have taken effect on October 20, 1999; and

(2) subsection (b) shall be construed to have taken effect on November 29, 1999.

SEC. 2804. SECTION 235 RESCISSION. Section 208(3) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 is amended—

(1) by striking "235(r)" and inserting "235";

(2) by inserting after "104 Stat. 2305)" the following: "for payments under section 235(r) of the National Housing Act"; and

(3) by striking "for such purposes".

CHAPTER 9

GENERAL PROVISION—THIS TITLE

SEC. 2901. For an additional amount for the District of Columbia Metropolitan Police Department, \$4,485,000 for the reimbursement of certain costs incurred by the District of Columbia as host of the International Monetary Fund and World Bank Organization Spring Conference in April 2000: Provided, That the entire amount shall be available only to the extent an official budget request for \$4,485,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

TITLE III—COUNTERNARCOTICS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$30,000,000, to remain available for obligation until September 30, 2002: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$154,059,000, to remain available for obligation

until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That no funds made available under this heading may be obligated or expended for training, logistics support, planning or assistance contracts for any overseas activity until 15 days after the Assistant Secretary of Defense, Special Operations and Low-Intensity Conflict reports to the congressional defense committees on the value, duration and purpose of such contracts.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3101. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated in this Act for the Department of Defense, not to exceed \$45,000,000 shall be available for the provision of support for counter-drug activities of the Government of Colombia. The support provided under this section shall be in addition to support provided for counter-drug activities of the Government of Colombia under any other provision of law.

(b) TYPES OF SUPPORT.—The support that may be provided using this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1882). In addition, using unobligated balances from the Department of Defense Appropriations Act, 1999 (Public Law 105-262), the Secretary of Defense may transfer one light observation aircraft to Colombia for counter-drug activities.

(c) CONDITIONS ON PROVISION OF SUPPORT.—(1) The Secretary of Defense may not obligate or expend funds appropriated in this Act to provide support under this section for counter-drug activities of the Government of Colombia until the end of the 15-day period beginning on the date on which the Secretary submits the written certification for fiscal year 2000 pursuant to section 1033(f)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1882).

(2) The elements of the written certification submitted for fiscal year 2000 described in section 1033(g) of that Act shall apply to, and the written certification shall address, the support provided under this section for counter-drug activities of the Government of Colombia.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

ASSISTANCE FOR COUNTERNARCOTICS ACTIVITIES

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support Central and South America and Caribbean counternarcotics activities, \$1,018,500,000, to remain available until expended: Provided, That of the funds appropriated under this heading, not less than \$110,000,000 shall be made available for assistance for Bolivia, of which not less than \$85,000,000 may be made available for alternative development and other economic activities: Provided further, That of the funds appropriated under this heading, not less than \$20,000,000 may be made available for assistance for Ecuador, of which not less than \$8,000,000 may be made available for alternative development and other economic activities: Provided

further, That of the funds appropriated under this heading, not less than \$18,000,000 shall be made available for assistance for other countries in South and Central America and the Caribbean which are cooperating with United States counternarcotics objectives: Provided further, That of the funds appropriated under this heading not less than \$60,000,000 shall be made available for the procurement, refurbishing, and support for UH-1H Huey II helicopters for the Colombian Army: Provided further, That of the funds appropriated under this heading, not less than \$234,000,000 shall be made available for the procurement of and support for UH-60 Blackhawk helicopters for use by the Colombian Army and the Colombian National Police: Provided further, That procurement of UH-60 Blackhawk helicopters from funds made available under this heading shall be managed by the United States Defense Security Cooperation Agency: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of an illegal self-defense group or illegal security cooperative, then such helicopter shall be immediately returned to the United States: Provided further, That of the amount appropriated under this heading, \$2,500,000 shall be available for a program for the demobilization and rehabilitation of child soldiers in Colombia: Provided further, That funds made available under this heading shall be in addition to amounts otherwise available for such purposes: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 30 days after the date of the enactment of this Act and prior to the initial obligation of any funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project or activity: Provided further, That at least 20 days prior to the obligation of funds made available under this heading the Secretary of State shall inform the Committees on Appropriations: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3201. CONDITIONS ON ASSISTANCE FOR COLOMBIA. (a) CONDITIONS.—

(1) CERTIFICATION REQUIRED.—Assistance provided under this heading may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees prior to the initial obligation of such assistance in each such fiscal year, that—

(A)(i) the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases; and

(ii) the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups; and

(iii) the Colombian Armed Forces and its Commander General are fully complying with (A)(i) and (ii); and

(B) the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights; and

(C) the Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

(D) the Government of Colombia has agreed to and is implementing a strategy to eliminate Colombia's total coca and opium poppy production by 2005 through a mix of alternative development programs; manual eradication; aerial spraying of chemical herbicides; tested, environmentally safe mycoherbicides; and the destruction of illicit narcotics laboratories on Colombian territory;

(E) the Colombian Armed Forces are developing and deploying in their field units a Judge Advocate General Corps to investigate Colombian Armed Forces personnel for misconduct.

(2) CONSULTATIVE PROCESS.—The Secretary of State shall consult with internationally recognized human rights organizations regarding the Government of Colombia's progress in meeting the conditions contained in paragraph (1), prior to issuing the certification required under paragraph (1).

(3) APPLICATION OF EXISTING LAWS.—The same restrictions contained in section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (Public Law 106-113) and section 8098 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) shall apply to the availability of funds under this heading.

(4) WAIVER.—Assistance may be furnished without regard to this section if the President determines and certifies to the appropriate Committees that to do so is in the national security interest.

(b) DEFINITIONS.—In this section:

(1) AIDING OR ABETTING.—The term "aiding or abetting" means direct and indirect support to paramilitary groups, including conspiracy to allow, facilitate, or promote the activities of paramilitary groups.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(3) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

(4) ASSISTANCE.—The term "assistance" means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90-629); relating to credit sales.

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

SEC. 3202. REGIONAL STRATEGY. (a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, the Committee on International Re-

lations and the Committee on Appropriations of the House of Representatives, a report on the current United States policy and strategy regarding United States counternarcotics assistance for Colombia and neighboring countries.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The key objectives of the United States' counternarcotics strategy in Colombia and neighboring countries and a detailed description of benchmarks by which to measure progress toward those objectives.

(2) The actions required of the United States to support and achieve these objectives, and a schedule and cost estimates for implementing such actions.

(3) The role of the United States in the efforts of the Government of Colombia to deal with illegal drug production in Colombia.

(4) The role of the United States in the efforts of the Government of Colombia to deal with the insurgency and paramilitary forces in Colombia.

(5) How the strategy with respect to Colombia relates to and affects the United States' strategy in the neighboring countries.

(6) How the strategy with respect to Colombia relates to and affects the United States' strategy for fulfilling global counternarcotics goals.

(7) A strategy and schedule for providing material, technical, and logistical support to Colombia and neighboring countries in order to defend the rule of law and to more effectively impede the cultivation, production, transit, and sale of illicit narcotics.

(8) A schedule for making Forward Operating Locations (FOL) fully operational, including cost estimates and a description of the potential capabilities for each proposed location and an explanation of how the FOL architecture fits into the overall the Strategy.

SEC. 3203. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS. (a) Not later than 6 months after the date of the enactment of this title, and every 6 months thereafter, during the period Plan Colombia resources are made available, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives a report setting forth—

(1) a list of the persons whose extradition has been requested from any country receiving counter narcotics assistance from the United States, indicating those persons who—

(A) have been surrendered to the custody of United States authorities;

(B) have been detained by the authorities and who are being processed for extradition;

(C) have been detained by the authorities and who are not yet being processed for extradition; or

(D) are at large;

(2) a determination whether authorities of each country receiving counternarcotics assistance from the United States are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

(3) an analysis of—

(A) any legal obstacles in the laws of each country receiving counternarcotics assistance from the United States regarding prompt extradition of persons sought by United States authorities; and

(B) the steps taken by authorities of the United States and the authorities of each country receiving counternarcotics assistance from the United States to overcome such obstacles.

SEC. 3204. LIMITATIONS ON SUPPORT FOR PLAN COLOMBIA AND ON THE ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA. (a) LIMITATION ON SUPPORT FOR PLAN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by any Act shall be

available for support of Plan Colombia unless and until—

(A) the President submits a report to Congress requesting the availability of such funds; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(2) EXCEPTIONS.—The limitation in paragraph (1) does not apply to—

(A) appropriations made by this Act, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, the Military Construction Appropriations Act, 2001, the Commerce, Justice, State and the Judiciary Appropriations Act, 2001, the Treasury and General Government Appropriations Act, 2001, or the Department of Defense Appropriations Act, 2001, for the purpose of support of Plan Colombia; or

(B) the unobligated balances from any other program used for their originally appropriated purpose to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform in the countries covered by Plan Colombia.

(3) WAIVER.—The limitations in subsection (a) may be waived by an Act of Congress.

(b) LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by this or any other Act (including funds described in subsection (c)) may be available for—

(A) the assignment of any United States military personnel for temporary or permanent duty in Colombia in connection with support of Plan Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 500; or

(B) the employment of any United States individual civilian retained as a contractor in Colombia if that employment would cause the total number of United States individual civilian contractors employed in Colombia in support of Plan Colombia who are funded by Federal funds to exceed 300.

(2) EXCEPTION.—The limitation contained in paragraph (1) shall not apply if—

(A) the President submits a report to Congress requesting that the limitation not apply; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(c) WAIVER.—The President may waive the limitation in subsection (b)(1) for a single period of up to 90 days in the event that the Armed Forces of the United States are involved in hostilities or that imminent involvement by the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the President to carry out any emergency evacuation of United States citizens or any search or rescue operation for United States military personnel or other United States citizens.

(e) REPORT ON SUPPORT FOR PLAN COLOMBIA.—Not later than June 1, 2001, and not later than June 1 and December 1 of each of the succeeding four fiscal years, the President shall submit a report to Congress setting forth any costs (including incremental costs incurred by the Department of Defense) incurred by any department, agency, or other entity of the Executive branch of Government during the two previous fiscal quarters in support of Plan Colombia. Each such report shall provide an itemization of expenditures by each such department, agency, or entity.

(f) BIMONTHLY REPORTS.—Beginning within 90 days of the date of the enactment of this joint resolution, and every 60 days thereafter, the President shall submit a report to Congress that shall include the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent United States military

personnel and United States individual civilians retained as contractors involved in the antinarcotics campaign in Colombia.

(g) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTIONS DEFINED.—

(A) For purposes of subsection (a)(1)(B), the term “joint resolution” means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the request of the President for additional funds for Plan Colombia contained in the report submitted by the President under section 3204(a)(1) of the 2000 Emergency Supplemental Appropriations Act.”.

(B) For purposes of subsection (b)(2)(B), the term “joint resolution” means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the request of the President for exemption from the limitation applicable to the assignment of personnel in Colombia contained in the report submitted by the President under section 3204(b)(2)(B) of the 2000 Emergency Supplemental Appropriations Act.”.

(2) PROCEDURES.—Except as provided in subparagraph (B), a joint resolution described in paragraph (1)(A) or (1)(B) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473; 98 Stat. 1936).

(h) PLAN COLOMBIA DEFINED.—In this section, the term “Plan Colombia” means the plan of the Government of Colombia instituted by the administration of President Pastrana to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform.

SEC. 3205. (a) DENIAL OF VISAS FOR PERSONS CREDIBLY ALLEGED TO HAVE AIDED AND ABETTED COLOMBIAN INSURGENT AND PARAMILITARY GROUPS.—None of the funds appropriated or otherwise made available in this Act for any fiscal year for the Department of State may be used to issue visas to any person who has been credibly alleged to have provided direct or indirect support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC), including conspiracy to allow, facilitate, or promote the illegal activities of such groups.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons, or to permit the prosecution of such person in the United States, or the person has cooperated fully with the investigation of crimes committed by individuals associated with the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC).

(c) WAIVER.—The President may waive the limitation in subsection (a) if the President determines that the waiver is in the national interest.

SEC. 3206. LIMITATION ON SUPPLEMENTAL FUNDS FOR POPULATION PLANNING.—Amounts appropriated under this division or under any other provision of law for fiscal year 2000 that are in addition to the funds made available under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106-113) shall be deemed to have been appropriated under title II of such Act and shall be subject to all limitations and restrictions contained in section 599D

of such Act, notwithstanding section 543 of such Act.

SEC. 3207. DECLARATION OF SUPPORT. (a) CERTIFICATION REQUIRED.—Assistance may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees, before the initial obligation of such assistance in each such fiscal year, that the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights conditions in section 3101, necessary to effectively resolve the conflicts with the guerrillas and paramilitaries that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the following:

(A) The Committees on Appropriations and Foreign Relations of the Senate.

(B) The Committees on Appropriations and International Relations of the House of Representatives.

(2) ASSISTANCE.—The term “assistance” means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90-629; relating to credit sales).

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

CHAPTER 3

MILITARY CONSTRUCTION, DEFENSE-WIDE

Notwithstanding any other provision of law, for an additional amount for “Military Construction, Defense-Wide”, \$116,523,000, to remain available until September 30, 2004: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$116,523,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

TITLE IV—LEWIS AND CLARK RURAL WATER SYSTEM

SEC. 4101. SHORT TITLE.

This title may be cited as the “Lewis and Clark Rural Water System Act of 2000”.

SEC. 4102. DEFINITIONS.

In this title:

(1) FEASIBILITY STUDY.—The term “feasibility study” means the study entitled “Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota”, dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(2) INCREMENTAL COST.—The term “incremental cost” means the cost of the savings to the project were the City of Sioux Falls not to participate in the water supply system.

(3) MEMBER ENTITY.—The term “member entity” means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc. bylaws, dated September 6, 1990.

(4) PROJECT CONSTRUCTION BUDGET.—The term “project construction budget” means the description of the total amount of funds needed for the construction of the water supply project, as contained in the feasibility study.

(5) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term “pumping and incidental operational requirements” means all power requirements that are necessary for the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the water supply system to each member entity that distributes water at retail to individual users.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) WATER SUPPLY PROJECT.—

(A) IN GENERAL.—The term “water supply project” means the physical components of the Lewis and Clark Rural Water Project.

(B) INCLUSIONS.—The term “water supply project” includes—

(i) necessary pumping, treatment, and distribution facilities;

(ii) pipelines;

(iii) appurtenant buildings and property rights;

(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

(v) such other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply, economic, public health, and environment needs of the member entities (including water storage tanks, water lines, and other facilities for the member entities).

(8) WATER SUPPLY SYSTEM.—The term “water supply system” means the Lewis and Clark Rural Water System, Inc., a nonprofit corporation established and operated substantially in accordance with the feasibility study.

SEC. 4103. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(b) SERVICE AREA.—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 4108.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply project until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met; and

(2) a final engineering report and a plan for a water conservation program are prepared and submitted to the Congress not less than 90 days before the commencement of construction of the water supply project.

SEC. 4104. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 4105. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the

Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational requirements of the water supply project during the period beginning on May 1 and ending on October 31 of each year.

(b) **QUALIFICATION TO USE PICK-SLOAN POWER.**—For operation during the period beginning May 1 and ending October 31 of each year, for as long as the water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this title shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

SEC. 4106. NO LIMITATION ON WATER PROJECTS IN STATES.

This title does not limit the authorization for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of the enactment of this Act.

SEC. 4107. WATER RIGHTS.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 4108. COST SHARING.

(a) **FEDERAL COST SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply project under section 4103; and

(B) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) **SIoux FALLS.**—The Secretary shall provide funds for the City of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) **NON-FEDERAL COST SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) **SIoux FALLS.**—The non-Federal cost-share for the City of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

SEC. 4109. BUREAU OF RECLAMATION.

(a) **AUTHORIZATION.**—At the request of the water supply system, the Secretary may allow the Commissioner of Reclamation to provide project construction oversight to the water supply project for the service area of the water supply system described in section 4103(b).

(b) **PROJECT OVERSIGHT ADMINISTRATION.**—The amount of funds used by the Commissioner of Reclamation for oversight described in subsection (a) shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

SEC. 4110. PROJECT OWNERSHIP AND RESPONSIBILITY.

The water supply system shall retain title to all project facilities during and after construction, and shall be responsible for all operation, maintenance, repair, and rehabilitation costs of the project.

SEC. 4111. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$213,887,700, to remain available until expended.

TITLE V—GENERAL PROVISIONS THIS DIVISION

SEC. 5101. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 5102. Sections 305 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113, are hereby repealed.

REPEAL OF UNOBLIGATED BALANCE RESTRICTIONS

SEC. 5103. The final proviso under the heading "Foreign Military Financing Program" in title VI of the Foreign Operations, Export Financing, and Related Programs as enacted into law by section 1000(a)(2) of division B of Public Law 106-113 (113 Stat. 1501A-133), is null and void.

SEC. 5104. Section 216 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is repealed.

SEC. 5105. Section 5527 of Public Law 105-33, The Balanced Budget Act of 1997, is repealed.

SEC. 5106. Section 9305 of Public Law 105-33 (111 Stat. 677) is repealed.

SEC. 5107. Notwithstanding section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985, there shall be no sequestration under that section to eliminate a fiscal year 2000 breach or no reductions in discretionary spending limits for fiscal year 2001 that might be caused by the appropriations or other provisions in this Act.

SEC. 5108. (a) The enactment of this Act shall be deemed to fulfill the requirements for enactment of a law for purposes of section 206(b) of H. Con. Res. 290 (106th Congress).

(b) Section 312(b) of the Congressional Budget Act of 1974 shall not apply in the Senate with respect to fiscal year 2001.

SEC. 5109. Section 207 of H. Con. Res. 290 (106th Congress) is amended as follows:

(a) by reducing the limit on outlays set forth in subsection (a)(1) by \$2,000,000,000; and

(b) by increasing the limit on outlays set forth in subsection (a)(2) by \$2,000,000,000.

This division may be cited as the "Emergency Supplemental Act, 2000".

DIVISION C

CERRO GRANDE FIRE

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—CERRO GRANDE FIRE ASSISTANCE ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Cerro Grande Fire Assistance Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) on May 4, 2000, the National Park Service initiated a prescribed burn on Federal land at Bandelier National Monument in New Mexico during the peak of the fire season in the Southwest;

(2) on May 5, 2000, the prescribed burn, which became known as the "Cerro Grande Prescribed Fire", exceeded the containment capabilities of the National Park Service, was reclassified as a wildland burn, and spread to other Federal and non-Federal land, quickly becoming characterized as a wildfire;

(3) by May 7, 2000, the fire had grown in size and caused evacuations in and around Los Alamos, New Mexico, including the Los Alamos National Laboratory, one of the leading national research laboratories in the United States and the birthplace of the atomic bomb;

(4) on May 13, 2000, the President issued a major disaster declaration for the counties of

Bernalillo, Cibola, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, and Torrance, New Mexico;

(5) the fire resulted in the loss of Federal, State, local, tribal, and private property;

(6) the Secretary of the Interior and the National Park Service have assumed responsibility for the fire and subsequent losses of property; and

(7) the United States should compensate the victims of the Cerro Grande fire.

(b) **PURPOSES.**—The purposes of this title are—

(1) to compensate victims of the fire at Cerro Grande, New Mexico, for injuries resulting from the fire; and

(2) to provide for the expeditious consideration and settlement of claims for those injuries.

SEC. 103. DEFINITIONS.

In this title:

(1) **CERRO GRANDE FIRE.**—The term "Cerro Grande fire" means the fire resulting from the initiation by the National Park Service of a prescribed burn at Bandelier National Monument, New Mexico, on May 4, 2000.

(2) **DIRECTOR.**—The term "Director" means—

(A) the Director of the Federal Emergency Management Agency; or

(B) if a Manager is appointed under section 104(a)(3), the Manager.

(3) **INJURED PERSON.**—The term "injured person" means—

(A) an individual, regardless of the citizenship or alien status of the individual; or

(B) an Indian tribe, corporation, tribal corporation, partnership, company, association, insurer, county, township, city, State, school district, or other non-Federal entity (including a legal representative);

that suffered injury resulting from the Cerro Grande fire.

(4) **INJURY.**—The term "injury" has the same meaning as the term "injury or loss of property, or personal injury or death" as used in section 1346(b)(1) of title 28, United States Code.

(5) **MANAGER.**—The term "Manager" means an Independent Claims Manager appointed under section 104(a)(3).

(6) **OFFICE.**—The term "Office" means the Office of Cerro Grande Fire Claims established by section 104(a)(2).

SEC. 104. COMPENSATION FOR VICTIMS OF CERRO GRANDE FIRE.

(a) **IN GENERAL.**—

(1) **COMPENSATION.**—Each injured person shall be entitled to receive from the United States—

(A) compensation for injury suffered by the injured person as a result of the Cerro Grande fire; and

(B) damages described in subsection (d)(4), as determined by the Director.

(2) **OFFICE OF CERRO GRANDE FIRE CLAIMS.**—

(A) **IN GENERAL.**—There is established within the Federal Emergency Management Agency an Office of Cerro Grande Fire Claims.

(B) **PURPOSE.**—The Office shall receive, process, and pay claims in accordance with this title.

(C) **FUNDING.**—The Office—

(i) shall be funded from funds made available to the Director under this title;

(ii) may reimburse other Federal agencies for claims processing support and assistance;

(iii) may appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service;

(iv) upon the request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Federal Emergency Management Agency to assist it in carrying out its duties under this title; and

(v) shall not diminish the ability of the Director to carry out the responsibilities of the Federal Emergency Management Agency under the

Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the timely provision of disaster assistance to a State or territory, an area of which is the subject of a major disaster or emergency declaration made by the President during the period in which the Director carries out this Act.

(3) **OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.**—The Director may appoint an Independent Claims Manager to—

(A) head the Office; and

(B) assume the duties of the Director under this title.

(b) **SUBMISSION OF CLAIMS.**—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Director a written claim for one or more injuries suffered by the injured person in accordance with such requirements as the Director determines to be appropriate.

(c) **INVESTIGATION OF CLAIMS.**—

(1) **IN GENERAL.**—The Director shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) **APPLICABILITY OF STATE LAW.**—Except as otherwise provided in this title, the laws of the State of New Mexico shall apply to the calculation of damages under subsection (d)(4).

(3) **EXTENT OF DAMAGES.**—Any payment under this title—

(A) shall be limited to actual compensatory damages measured by injuries suffered; and

(B) shall not include—

(i) interest before settlement or payment of a claim; or

(ii) punitive damages.

(d) **PAYMENT OF CLAIMS.**—

(1) **DETERMINATION AND PAYMENT OF AMOUNT.**—

(A) **IN GENERAL.**—

(i) **PAYMENT.**—Not later than 180 days after the date on which a claim is submitted under this title, the Director shall determine and fix the amount, if any, to be paid for the claim.

(ii) **PRIORITY.**—The Director, to the maximum extent practicable, shall pay subrogation claims submitted under this title only after paying claims submitted by injured parties that are not insurance companies seeking payment as subrogees.

(B) **PARAMETERS OF DETERMINATION.**—In determining and settling a claim under this title, the Director shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the fire;

(iii) the amount, if any, to be allowed and paid under this title; and

(iv) the person or persons entitled to receive the amount.

(C) **INSURANCE AND OTHER BENEFITS.**—

(i) **IN GENERAL.**—In determining the amount of, and paying, a claim under this title, to prevent recovery by a claimant in excess of actual compensatory damages, the Director shall reduce the amount to be paid for the claim by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) **GOVERNMENT LOANS.**—This subparagraph shall not apply to the receipt by a claimant of any government loan that is required to be repaid by the claimant.

(2) **PARTIAL PAYMENT.**—

(A) **IN GENERAL.**—At the request of a claimant, the Director may make one or more advance or partial payments before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(B) **JUDICIAL DECISION.**—If a claimant receives a partial payment on a claim under this title, but further payment on the claim is subse-

quently denied by the Director, the claimant may—

(i) seek judicial review under subsection (i); and

(ii) keep any partial payment that the claimant received, unless the Director determines that the claimant—

(I) was not eligible to receive the compensation; or

(II) fraudulently procured the compensation.

(3) **RIGHTS OF INSURER OR OTHER THIRD PARTY.**—If an insurer or other third party pays any amount to a claimant to compensate for an injury described in subsection (a), the insurer or other third party shall be subrogated to any right that the claimant has to receive any payment under this title or any other law.

(4) **ALLOWABLE DAMAGES.**—

(A) **LOSS OF PROPERTY.**—A claim that is paid for loss of property under this title may include otherwise uncompensated damages resulting from the Cerro Grande fire for—

(i) an uninsured or underinsured property loss;

(ii) a decrease in the value of real property;

(iii) damage to physical infrastructure;

(iv) a cost resulting from lost tribal subsistence from hunting, fishing, firewood gathering, timbering, grazing, or agricultural activities conducted on land damaged by the Cerro Grande fire;

(v) a cost of reforestation or revegetation on tribal or non-Federal land, to the extent that the cost of reforestation or revegetation is not covered by any other Federal program; and

(vi) any other loss that the Director determines to be appropriate for inclusion as loss of property.

(B) **BUSINESS LOSS.**—A claim that is paid for injury under this title may include damages resulting from the Cerro Grande fire for the following types of otherwise uncompensated business loss:

(i) Damage to tangible assets or inventory.

(ii) Business interruption losses.

(iii) Overhead costs.

(iv) Employee wages for work not performed.

(v) Any other loss that the Director determines to be appropriate for inclusion as business loss.

(C) **FINANCIAL LOSS.**—A claim that is paid for injury under this title may include damages resulting from the Cerro Grande fire for the following types of otherwise uncompensated financial loss:

(i) Increased mortgage interest costs.

(ii) An insurance deductible.

(iii) A temporary living or relocation expense.

(iv) Lost wages or personal income.

(v) Emergency staffing expenses.

(vi) Debris removal and other cleanup costs.

(vii) Costs of reasonable efforts, as determined by the Director, to reduce the risk of wildfire, flood, or other natural disaster in the counties specified in section 102(a)(4), to risk levels prevailing in those counties before the Cerro Grande fire, that are incurred not later than the date that is 3 years after the date on which the regulations under subsection (f) are first promulgated.

(viii) A premium for flood insurance that is required to be paid on or before May 12, 2002, if, as a result of the Cerro Grande fire, a person that was not required to purchase flood insurance before the Cerro Grande fire is required to purchase flood insurance.

(ix) Any other loss that the Director determines to be appropriate for inclusion as financial loss.

(e) **ACCEPTANCE OF AWARD.**—The acceptance by a claimant of any payment under this title, except an advance or partial payment made under subsection (d)(2), shall—

(I) be final and conclusive on the claimant (but not on any subrogee of the claimant), with respect to all claims arising out of or relating to the same subject matter;

(2) constitute a complete release of all claims against the United States (including any agency

or employee of the United States) under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"), or any other Federal or State law, arising out of or relating to the same subject matter; and

(3) shall include a certification by the claimant, made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code, that such claim is true and correct.

(f) **REGULATIONS AND PUBLIC INFORMATION.**—

(1) **REGULATIONS.**—Notwithstanding any other provision of law, not later than 45 days after the date of the enactment of this Act, the Director shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims under this title.

(2) **PUBLIC INFORMATION.**—

(A) **IN GENERAL.**—At the time at which the Director promulgates regulations under paragraph (1), the Director shall publish, in newspapers of general circulation in the State of New Mexico, a clear, concise, and easily understandable explanation, in English and Spanish, of—

(i) the rights conferred under this title; and

(ii) the procedural and other requirements of the regulations promulgated under paragraph (1).

(B) **DISSEMINATION THROUGH OTHER MEDIA.**—The Director shall disseminate the explanation published under subparagraph (A) through brochures, pamphlets, radio, television, and other media that the Director determines are likely to reach prospective claimants.

(g) **CONSULTATION.**—In administering this title, the Director shall consult with the Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, the Administrator of the Small Business Administration, other Federal agencies, and State, local, and tribal authorities, as determined to be necessary by the Director to—

(1) ensure the efficient administration of the claims process; and

(2) provide for local concerns.

(h) **ELECTION OF REMEDY.**—

(1) **IN GENERAL.**—An injured person may elect to seek compensation from the United States for one or more injuries resulting from the Cerro Grande fire by—

(A) submitting a claim under this title;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code; or

(C) bringing an authorized civil action under any other provision of law.

(2) **EFFECT OF ELECTION.**—An election by an injured person to seek compensation in any manner described in paragraph (1) shall be final and conclusive on the claimant with respect to all injuries resulting from the Cerro Grande fire that are suffered by the claimant.

(3) **ARBITRATION.**—

(A) **IN GENERAL.**—Not later than 45 days after the date of the enactment of this Act, the Director shall establish by regulation procedures under which a dispute regarding a claim submitted under this title may be settled by arbitration.

(B) **ARBITRATION AS REMEDY.**—On establishment of arbitration procedures under subparagraph (A), an injured person that submits a disputed claim under this title may elect to settle the claim through arbitration.

(C) **BINDING EFFECT.**—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (i).

(4) **NO EFFECT ON ENTITLEMENTS.**—Nothing in this title affects any right of a claimant to file a claim for benefits under any Federal entitlement program.

(i) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Any claimant aggrieved by a final decision of the Director under this title

may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of New Mexico, to modify or set aside the decision, in whole or in part.

(2) RECORD.—The court shall hear a civil action under paragraph (1) on the record made before the Director.

(3) STANDARD.—The decision of the Director incorporating the findings of the Director shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(j) ATTORNEY'S AND AGENT'S FEES.—

(1) IN GENERAL.—No attorney or agent, acting alone or in combination with any other attorney or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this title, fees in excess of 10 percent of the amount of any payment on the claim.

(2) VIOLATION.—An attorney or agent who violates paragraph (1) shall be fined not more than \$10,000.

(k) WAIVER OF REQUIREMENT FOR MATCHING FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State or local project that is determined by the Director to be carried out in response to the Cerro Grande fire under any Federal program that applies to an area affected by the Cerro Grande fire shall not be subject to any requirement for State or local matching funds to pay the cost of the project under the Federal program.

(2) FEDERAL SHARE.—The Federal share of the costs of a project described in paragraph (1) shall be 100 percent.

(l) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—Section 3716 of title 31, United States Code, shall not apply to any payment under this title.

(m) INDIAN COMPENSATION.—Notwithstanding any other provision of law, in the case of an Indian tribe, a tribal entity, or a member of an Indian tribe that submits a claim under this title—

(1) the Bureau of Indian Affairs shall have no authority over, or any trust obligation regarding, any aspect of the submission of, or any payment received for, the claim;

(2) the Indian tribe, tribal entity, or member of an Indian tribe shall be entitled to proceed under this title in the same manner and to the same extent as any other injured person; and

(3) except with respect to land damaged by the Cerro Grande fire that is the subject of the claim, the Bureau of Indian Affairs shall have no responsibility to restore land damaged by the Cerro Grande fire.

(n) REPORT.—Not later than 1 year after the date of promulgation of regulations under subsection (f)(1), and annually thereafter, the Director shall submit to Congress a report that describes the claims submitted under this title during the year preceding the date of submission of the report, including, for each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim;

(3) the status or disposition of the claim, including the amount of any payment under this title; and

(4) the Comptroller General shall conduct an annual audit on the payment of all claims made under this title and shall report to the Congress on the results of this audit beginning not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This report shall include a review of all subrogation claims for which insurance companies have been paid or are seeking payment as subrogees under this title.

(o) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

(2) FEMA FUNDS.—None of the funds provided to the Federal Emergency Management Agency

for the administration of disaster relief shall be used to carry out this Act.

SEC. 105. APPROPRIATION OF FUNDS.

(a) CERRO GRANDE FIRE ASSISTANCE CLAIMS OFFICE.—

(1) IN GENERAL.—There is appropriated for the Office for administration of the compensation process under this title up to \$45,000,000, to remain available until expended.

(2) EMERGENCY REQUIREMENT.—The entire amount made available under subparagraph (A)—

(A) shall be available only to the extent that the President submits to Congress an official budget request for up to \$45,000,000 that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) CERRO GRANDE FIRE ASSISTANCE.—

(1) IN GENERAL.—There is appropriated for the payment of claims in accordance with this title up to \$455,000,000, to remain available until expended.

(2) EMERGENCY REQUIREMENT.—The entire amount made available under subparagraph (A)—

(A) shall be available only to the extent that the President submits to Congress an official budget request for up to \$455,000,000 that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SEC. 106. PERIOD OF EFFECTIVENESS.

This title shall apply on and after the date of the enactment of this Act, without regard to any fiscal year.

TITLE II—CERRO GRANDE FIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program", \$10,000,000: Provided, That notwithstanding any other provision of law, these funds shall be available to rehabilitate farmland damaged from fires which resulted from prescribed burnings conducted by the Federal Government which subsequently resulted in unintended damage to farmlands and other lands: Provided further, That requirements for cost-sharing by landowners shall not apply to funds provided pursuant to this section: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for the Emergency Watershed Protection Program, to repair damages to the waterways and watersheds resulting from fires which resulted from prescribed burnings conducted by the Federal Government, and other natural occurrences, \$4,000,000, to re-

main available until expended: Provided, That requirements for cost-sharing by project sponsors shall not apply to funds provided under this provision: Provided further, That the entire amount shall be available only to the extent an official budget request for \$4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

CERRO GRANDE FIRE ACTIVITIES

For necessary expenses to remediate damaged Department of Energy facilities and for other expenses associated with the Cerro Grande fire, \$138,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for \$138,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", \$8,982,000, to remain available until expended, for emergency restoration, rehabilitation, and reforestation of tribal lands and facilities of the Pueblo of Santa Clara and the Pueblo of San Ildefonso damaged by the Cerro Grande Fire in New Mexico: Provided, That the entire amount shall be available only to the extent an official budget request for \$8,982,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISION—THIS TITLE

SEC. 2101. The Secretary of the Interior shall allow enrolled members of the Pueblo of San Ildefonso and the Pueblo of Santa Clara to collect plants, including the parts or products thereof, and mineral resources within the Banderol National Monument for traditional and cultural uses. All collection activity, except quantity limitations in current regulations of the National Park Service, shall be consistent with applicable laws, and shall be subject to such conditions as the Secretary deems necessary to protect the resources and values of the Monument.

This division may be cited as the "Cerro Grande Fire Supplemental".

And the Senate agree to the same. For the consideration of the House bill and Division A of the Senate amendment, and modifications committed to conference:

DAVID L. HOBSON,
JOHN EDWARD PORTER,
TODD TIAHRT,
JAMES T. WALSH,
DAN MILLER,
ROBERT B. ADERHOLT,
KAY GRANGER,
VIRGIL GOODE, Jr.,
C.W. BILL YOUNG,
JOHN W. OLVER,
CHET EDWARDS,

SAM FARR,
ALLEN BOYD,
NORMAN D. DICKS,
DAVID OBEY,

For the consideration of Division B of the Senate amendment and modifications committed to conference:

C.W. BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
HAROLD ROGERS,
JOE SKEEN,
SONNY CALLAHAN,
DAVID OBEY,
JOHN MURTHA,

Managers on the Part of the House.

CONRAD BURNS,
KAY BAILEY HUTCHISON,
LARRY CRAIG,
JON KYL,
TED STEVENS,
PATTY MURRAY,
HARRY REID,
DANIEL K. INOUE,
ROBERT C. BYRD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF
THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference report includes fiscal year 2000 supplemental appropriations, as included in the Senate amendment, in addition to military construction appropriations for fiscal year 2001. The conference report is organized with Division A containing fiscal year 2001 military construction appropriations, Division B containing fiscal year 2000 supplemental appropriations, and Division C containing fiscal year 2000 supplemental appropriations and authorization for Cerro Grande Fire recovery activities necessitated by this devastating fire that occurred recently near Los Alamos, New Mexico.

This conference agreement addresses some activities that were not technically in conference. The House had passed H.R. 3908 that included its version of supplemental appropriations. The Senate reported S. 2536, which

included several other supplemental appropriations in addition to the ones included in the amendment to this bill. The Senate also has taken action on S. 2522, which includes additional supplemental appropriations. The conferees have attempted to address many of the fiscal year 2000 supplemental appropriations in this conference.

DIVISION A—FISCAL YEAR 2001 MILITARY CONSTRUCTION APPROPRIATIONS

ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 106-614 and Senate Report 106-290 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate has directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

Contingency Funding.—The Department of Defense requested no contingency funding for military construction and family housing projects in the fiscal year 2001 budget request. The conferees believe that some level of contingency funding is essential for the efficient and cost-effective completion of these projects. If the Department loses this funding flexibility, it will be incapable of supporting requirements generated by unforeseen needs, such as environmental and regulatory requirements, unanticipated subsurface conditions and changes in bid climate. As a result, the conferees direct the Department to include 5 percent contingency funding when requesting construction funds in the fiscal year 2002 budget submission and for future year projects.

Financial Management.—The conferees agree that the rescission of funds included in the conference agreement are based on large prior year unobligated balances and such factors as savings through favorable bids, reduced overhead costs, downsizing or cancellation due to force structure changes (if any), other administrative cost reduction initiatives, revised economic assumptions, and inflation re-estimates. The conferees direct that no project for which funds were

previously appropriated, or for which funds are appropriated in this bill, may be canceled as a result of the reductions included in the conference agreement.

Foreign Currency Fluctuations, Construction, Defense.—Due to the U.S. dollar significantly improving over prior fiscal years and for other reasons, the amounts available in the "Foreign Currency Fluctuations, Construction, Defense" account exceed those necessary to eliminate losses due to unfavorable fluctuations in foreign currency exchange rates. Accordingly, the conferees include a provision (Section 132) which rescinds \$83,000,000 from this account. The conferees also include a total reduction of \$43,852,000 to the following appropriations because the U.S. dollar has significantly improved against most foreign currencies than the Department of Defense predicted when it submitted its fiscal year 2001 budget:

Account	Amount
Military Construction, Army	—\$635,000
Military Construction, Navy	—2,889,000
Military Construction, Defense-Wide	—7,115,000
Family Housing, Army	—19,911,000
Family Housing, Navy and Marine Corps	—1,071,000
Family Housing, Air Force	—12,231,000
Total	—43,852,000

Joint Use Facilities.—The conferees support joint use of facilities between the various components of the Defense Department. Joint use facilities can optimize military construction and operation and maintenance funds while enhancing joint training and the total force concept. Beginning with the fiscal year 2003 budget submission, the conferees direct that any Form 1390/1391, which is presented as justification material, shall include certification by the originating installation commander. The certification will include information that the project has been considered and reviewed for joint use potential, a recommendation for either joint use or unilateral construction, and the reasons(s) for that recommendation if joint use is not recommended. This certification is to be reviewed by the Under Secretary of Defense (Comptroller) during the budget review to ensure impartial review.

Proposed Financing of Current Year Programs Via Prior Year Savings.—The budget request for fiscal year 2001 proposed partial financing of current year programs via prior year savings, as follows:

Account/Location	Project description	Authorization	Appropriation
Military Construction, Navy:			
District of Columbia: Naval Research Lab	Nano-Science Research Facility	\$12,390,000	0
Texas: Kingsville Naval Air Station	Aircraft Parking Apron	2,670,000	0
North Carolina: Camp Lejeune MCB	Armories	14,000,000	\$10,000,000
Italy: Sigonella Naval Air Station	Community Facilities	32,969,000	32,029,000
Total		62,029,000	42,029,000

If program execution has resulted in identifiable prior year savings within individual projects, the correct financing method is to detail such savings and to request rescissions of funds by account and by fiscal year. The conferees direct the Under Secretary of Defense (Comptroller) to follow the conventional rescission procedure in future budget submissions.

Quadrennial Defense Review.—The conferees are concerned with the Defense Department's declining investments in the construction, replacement, and revitalization of facilities. Therefore, the conferees strongly support the language included in House Report 106-614 on the Quadrennial Defense Re-

view. The conferees expect the Congressionally mandated Quadrennial Defense Review to include a thorough review of the Defense Department's basing capacity, outsourcing strategy, and military construction requirements and related facilities restoration and modernization programs.

Real Property Maintenance: Reporting Requirement.—The conferees agree to the following general rules for repairing a facility under Operation and Maintenance funding:

Components of the facility may be repaired by replacement, and such replacement can be up to current standards or code.

Interior arrangements and restorations may be included as repair, but additions, new

facilities, and functional conversions must be performed as military construction projects.

Such projects may be done concurrent with repair projects, as long as the final conjunctively funded project is a complete and usable facility.

The appropriate Service Secretary shall submit a 21-day notification prior to carrying out any repair project with an estimated cost in excess of \$7,500,000.

Reprogramming Criteria.—The conferees believe there is a need to clarify the rules for military construction and family housing reprogrammings. A project or account (including the sub-elements of an account)

which has been specifically reduced by the Congress in acting on the appropriation request is considered to be a congressional interest item. A prior approval reprogramming is required for any increase to an item that has been specifically reduced by the Congress. Consequently, there can be no below threshold reprogrammings to an item specifically reduced by the Congress.

Furthermore, in instances here a prior approval reprogramming request for a project or account has been approved becomes the new base for any future increase or decrease via a below threshold reprogramming (provided that the project or account is not a congressional interest item).

Alkali Silica Reactivity.—The conferees continue to be concerned about the effects of Alkali Silica Reactivity (ASR) on Department of Defense concrete facilities including aprons, taxiways, runways and tarmacs. The conferees direct the Under Secretary of Defense for Acquisition, Technology and Logistics to assess the overall condition of Department of Defense facilities and infrastructure with respect to ASR. This review should also address the Department's long-term strategy and recommendations to manage this issue. These findings should be provided to the congressional defense committees not later than May 1, 2001.

MILITARY CONSTRUCTION, ARMY

The conference agreement appropriates \$909,245,000 for Military Construction, Army, instead of \$869,950,000 as proposed by the House, and \$823,503,000 as proposed by the Senate. Within this amount, the conference agreement earmarks \$109,306,000 for study, planning, design, architect and engineer services, and host nation support instead of \$99,961,000 as proposed by the House and \$84,706,000 as proposed by the Senate.

Kansas—Fort Leavenworth: Bell Hall.—The conferees note the deteriorating condition of Bell Hall, the central academic and instructional facility of the Army's Command and General Staff College. The cost to maintain the current physical plant is no longer cost effective and its communications capabilities are significantly constrained. The conferees encourage the Army to include this replacement in the fiscal year 2002 budget submission.

New York—U.S. Military Academy: Multimedia Learning Centers.—Within funds provided for unspecified minor construction, the conferees direct the Army to execute a project in the amount of \$500,000 to provide Multimedia Learning Centers at the United States Military Academy in New York.

Pennsylvania—Letterkenny Army Depot: Missile Igloo Modifications.—Of the additional funding provided for planning and design, the conferees direct that not less than \$112,000 be made available for the design of this facility.

Virginia—Fort Belvoir: Potomac Heritage National Scenic Trail.—Within the additional

funds provided for unspecified minor construction, the conferees direct the Army to provide not less than \$500,000 for the multi-use trail system at Fort Belvoir in Virginia.

Washington—Fort Lewis: Vancouver Barracks.—Within the additional funds provided for unspecified minor construction, the conferees direct the Army to provide not less than \$1,500,000 for the protection of historic facilities at the Vancouver Barracks at Fort Lewis in Washington.

MILITARY CONSTRUCTION, NAVY

The conference agreement appropriates \$928,273,000 for Military Construction, Navy, instead of \$891,380,000 as proposed by the House, and \$828,278,000 as proposed by the Senate. Within this amount, the conference agreement earmarks \$73,335,000 for study, planning, design, architect and engineer services instead of \$67,502,000 as proposed by the House and \$71,000,000 as proposed by the Senate.

California—North Island Naval Air Station: Transportation Infrastructure.—The conferees do not expect the Navy to begin design of a project to alleviate traffic flow problems at North Island Naval Air Station. The scope of the project is far reaching and involves traffic considerations that fall beyond the Navy mission. Therefore, planning and design funds are not the proper source of funds to determine the project requirements (10 U.S.C. 2807).

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement appropriates \$870,208,000 for Military Construction, Air Force, instead of \$703,903,000 as proposed by the House, and \$777,793,000 as proposed by the Senate. Within this amount, the conference agreement earmarks \$74,628,000 for study, planning, design, architect and engineer services instead of \$56,949,000 as proposed by the House and \$69,337,000 as proposed by the Senate.

Air Force Electronic Warfare Evaluation Simulator.—The conferees are aware of an Air Force effort to develop a plan to relocate the Air Force Electronic Warfare Evaluation Simulator (AFEWES) from Air Force Plant 4 to the Air Force Flight Test Center. Government studies, including the 1995 Base Realignment and Closure Commission and a 1997 GAO report, all highlight the absence of cost/capability rationale to justify such a relocation. For these reasons, and to ensure that prudent future expenditure of military construction funds, the conferees encourage the Air Force to include a comprehensive cost/benefit analysis and standard return on investment criteria in the relocation study now being performed. Because AFEWES specialized test capabilities are a vital element of our national defense posture, study findings should also demonstrate the technical and cost merits of relocation to the Air Force Flight Test Center. The Secretary of

the Air Force is to review this matter and report to the House and Senate Appropriations Committees no later than February 28, 2001.

Delaware—Dover AFB: Control Tower.—The conferees note that the control tower at Dover AFB is antiquated, inadequately sited, and lacks modern air traffic control equipment. Given the activity level and mission critical nature of this base, the project appears to be an excellent candidate for the President's fiscal year 2002 budget. Accordingly, the conferees urge the Secretary of the Air Force to review this project, and to expedite its advancement into the fiscal year 2002 budget.

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conference agreement appropriates \$814,647,000 for Military Construction, Defense-wide, instead of \$800,314,000 as proposed by the House, and \$801,098,000 as proposed by the Senate. Within this amount, the conference agreement earmarks \$77,505,000 for study, planning, design, architect and engineer services as proposed by the House instead of \$163,700,000 as proposed by the Senate.

Chemical Demilitarization Program.—The budget request proposes funding the construction of chemical weapon demilitarization facilities under the "Military Construction, Army" account. As in prior years, the conferees recommend that this funding be appropriated under the "Military Construction, Defense-wide" account, in order to facilitate the tracking of expenses for the Chemical Demilitarization Program, and to avoid distorting the size of the Army's military construction program.

The conference agreement provides \$175,400,000 for the chemical demilitarization program to fully fund all requested projects for fiscal year 2001. However, the conferees continue to be concerned over the extremely slow obligation and expenditures rates for the program due to significant delays at most of the sites that are currently being constructed. Therefore, the conferees include a general reduction of \$20,000,000 against the entire program.

Department of Defense Education Activity (DODEA).—The conferees strongly support DODEA initiatives to increase the half-day kindergarten program to full day in overseas schools and reduce class size in grades 1-3 to an average of 18 students to 1 teacher. These educational initiatives are valued and supported by the military community as a critical element of its quality of life and readiness. Because these initiatives require substantial funding to modernize school facilities, the conference agreement provides an additional \$11,852,000 for the DODEA military construction program. Additional funding is provided for the following projects:

Location	Project title	Request	Recommendation
Germany: Hanau	Elementary School Classroom Addition	\$1,026,000	\$2,030,000
Germany: Schweinfurt	Elementary School Classroom Addition	1,444,000	1,750,000
Germany: Wuerzburg	Elementary School Classroom Addition	1,798,000	2,635,000
Italy: Sigonella	Elementary/High School Classroom Addition	971,000	3,450,000
Korea: Osan	Elementary School Classroom Addition .....	.....	3,892,000
Korea: Seoul	Elementary School Classroom Addition .....	.....	2,451,000
Korea: Taegu	Elementary School Classroom Addition .....	.....	806,000
United Kingdom: RAF Feltwell	Elementary School Classroom Addition	1,287,000	1,800,000
United Kingdom: RAF Lakenheath	Elementary School Classroom Addition	3,086,000	5,650,000
Total .....	.....	9,612,000	21,464,000

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement appropriates \$281,717,000 for military Construction, Army National Guard, instead of \$137,603,000 as proposed by the House, and \$233,675,000 as proposed by the Senate.

California—Bakersfield: Readiness Center.—Of the additional funding provided for planning and design, the conferees direct that not less than \$500,000 be made available for the design of this facility.

California—Los Alamitos: Joint Headquarters Building.—House Report 106-614 included lan-

guage directing the Army Reserve to accelerate the design of this facility and include the required construction funding in its fiscal year 2002 budget request. The Army National Guard should be the lead proponent for the facility. Therefore, the conferees direct the Army National Guard to accelerate

the design of the Joint Headquarters Building in Los Alamitos, California and to include the required construction funding in its fiscal year 2002 budget request.

California—National Guard Facilities.—The Army National Guard requested nine location changes to the budget submission for the state of California. The changes will provide a more centralized vehicle maintenance management system. After design of the budgeted projects began, the Army National Guard realized the existing locations were unsuitable and further facility investment would prove unwise. Accordingly, the conferees recommend the following location changes:

(1) The project titles budgeted for Bakersfield, Escondido, Richmond, San Jose, San Mateo, and Santa Barbara are moved to Camp Parks.

(2) The project titles budgeted for Colton, Fresno, and Los Alamitos are moved to Fresno.

Iowa—Fairfield: Readiness Center Addition.—Within the additional funds provided for unspecified minor construction, the conferees direct the Army National Guard to provide not less than \$1,066,000 for an addition to the readiness center at Fairfield, Iowa.

Missouri—Fort Leonard Wood: Army Aviation Support Center.—In the Senate report 106-290, the Army Aviation Support Center at Fort Leonard Wood was incorrectly identified as an unspecified minor construction project. This project should be executed with funds made available for planning and design.

Nevada—Carson City: Readiness Center.—The conferees are concerned that the cost of the Readiness Center in Carson City, Nevada has increased due to changes in criteria directed by the National Guard Bureau. Funding for this project was appropriated in fiscal year 1999. The conferees direct the National Guard Bureau to ensure that adequate additional funding is provided to the Nevada National Guard to complete this project.

Oregon—Eugene: Armed Forces Reserve Center Complex.—The number one priority for the Oregon National Guard is to replace a 66-year-old facility in Eugene which is considered undersized by Naval Reserve/Marine Corps standards. The buildings have deteriorated extensively and are substandard with respect to size and level of serviceability of the building. The consolidation will provide savings of about \$1,400,000 in direct construction costs and will reduce the operations and maintenance burden by at least 20 percent annually. The conferees encourage the National Guard to complete the design and to include this project in its fiscal year 2002 budget request.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement appropriates \$203,829,000 for Military Construction, Air National Guard, instead of \$110,585,000 as proposed by the House, and \$183,029,000 as proposed by the Senate.

Connecticut—Orange Air National Guard Station: Air Control Squadron Complex.—Although the conferees were unable to fund this project due to funding constraints, the conferees strongly urge the Air National Guard to include this project in its fiscal year 2002 budget submission.

MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement appropriates \$108,738,000 for Military Construction, Army Reserve, instead of \$115,854,000 as proposed by the House, and \$99,888,000 as proposed by the Senate.

New Jersey—Fort Dix: Barracks.—Of the \$11,900,000 provided for planning and design within the "Army Reserve" amount, the conferees direct that not less than \$900,000 be made available for the design of this facility.

Utah—S.A. Douglas Armed Forces Reserve Center: Parking and Site Improvements.—The

conferees direct the Army Reserve to execute a project to provide parking and site improvements at the S.A. Douglas Armed Forces Reserve Center in Utah using funds available for unspecified minor construction. The estimated cost of this project is \$700,000.

MILITARY CONSTRUCTION, NAVAL RESERVE

The conference agreement appropriates \$84,473,000 for Military Construction, Naval Reserve, instead of \$53,004,000 as proposed by the House, and \$38,532,000 as proposed by the Senate.

Rescission of Funds.—The conferees rescind \$2,400,000 appropriated under the "Military Construction, Naval Reserve" account in the fiscal year 1998 Military Construction Appropriations Act (Public Law 105-45). These are funds which remain unobligated from the renovation of Building 1900 at the Westover Air Force Reserve Base in Massachusetts. The project was halted due to escalating costs in connection with asbestos and other environmental problems.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement appropriates \$36,591,000 for Military Construction, Air Force Reserve, instead of \$43,748,000 as proposed by the House, and \$25,533,000 as proposed by the Senate.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement appropriates \$172,000,000 for the North Atlantic Treaty Organization Security Investment Program (NSIP), instead of \$177,500,000 as proposed by the House, and \$175,000,000 as proposed by the Senate.

FAMILY HOUSING, ARMY

The conference agreement appropriates \$235,956,000 for Construction, Family Housing Army, instead of \$198,505,000 as proposed by the House and \$221,106,000 as proposed by the Senate.

The conference agreement appropriates \$951,793,000 for Operation and Maintenance, Family Housing, Army, instead of \$953,744,000 as proposed by the House and \$958,364,000 as proposed by the Senate.

The conference agreement appropriates a total of \$1,187,749,000 for Family Housing, Army, instead of \$1,152,249,000 as proposed by the House and \$1,179,470,000 as proposed by the Senate.

FAMILY HOUSING, NAVY AND MARINE CORPS

The conference agreement appropriates \$418,155,000 for Construction, Family Housing, Navy and Marine Corps, instead of \$419,584,000 as proposed by the House and \$392,765,000 as proposed by the Senate.

The conferees direct that the following projects are to be accomplished within the increased amount provided for construction improvements:

California—Camp Pendleton (98 units)	\$9,030,000
District of Columbia: 8th and I Marine Barracks (1 unit)	500,000

The conference agreement appropriates \$881,567,000 for Operation and Maintenance, Family Housing, Navy and Marine Corps, as proposed by the Senate instead of \$879,208,000 as proposed by the House.

The conference agreement appropriates a total of \$1,299,722,000 for Family Housing, Navy and Marine Corps, instead of \$1,298,792,000 as proposed by the House and \$1,274,332,000 as proposed by the Senate.

California—Mission Trails Regional Park.—The conferees include a new provision (Section 133) which amends Section 131 of the fiscal year 1988 Military Construction Appropriations Act (Public Law 100-202). The new provision allows the Secretary of the Navy to use proceeds from the conveyance of real

property in the Mission Trails Regional Park area, for the acquisition of military family housing in the San Diego area through the use of privatization authorities contained in subchapter IV of chapter 169 of title 10. In addition, the new provision permits the transfer of proceeds into the Department of Defense Family Housing Improvement Fund.

FAMILY HOUSING, AIR FORCE

The conference agreement appropriates \$251,982,000 for Construction, Family Housing, Air Force, instead of \$241,384,000 as proposed by the House and \$227,242,000 as proposed by the Senate.

The conference agreement appropriates \$820,879,000 for Operation and Maintenance, Family Housing, Air Force, as proposed by the House and Senate.

The conference agreement appropriates a total of \$1,072,861,000 for Family Housing, Air Force, instead of \$1,062,263,000 as proposed by the House and \$1,048,121,000 as proposed by the Senate.

FAMILY HOUSING, DEFENSE-WIDE

The conference agreement appropriates \$44,886,000 for Construction, Family Housing, Defense-wide, as proposed by the House and Senate.

DEPARTMENT OF DEFENSE FAMILY IMPROVEMENT FUND

The conference agreement provides no appropriation for the Department of Defense Family Housing Improvement Fund, as proposed by the House and Senate. Transfer authority is provided for the execution of any qualifying project under privatization authority, which resides in the Fund.

Contractor Support for Family Housing Privatization.—The conferees are concerned about the Army spending excessive amounts on contractor support to evaluate and develop family housing privatization proposals. Therefore, the Deputy Under Secretary of Defense (Installations) is to review quarterly, and report to the appropriate Committees of Congress, the expenses of each component to ensure excessive amounts are not being spent on contractor support.

In the future, amounts appropriated into the Family Housing Improvement Fund will be the sole source of funds to finance the operation of the former Housing Revitalization Support Office. It is the conferees' intent that Family Housing funds will be the sole source of funds to develop, evaluate, and oversee privatization deals. The conferees direct the Under Secretary of Defense (Comptroller) to determine if these funds are best appropriated out of Family Housing Operation and Maintenance or Family Housing Planning and Design and to provide consistency among the Services in the fiscal year 2002 budget submission. In addition, these funds will be separately identified and justified as a sub-element account. This sub-element is considered a congressional interest item and may not be increased from the amount enacted without the prior approval of the Committees on Appropriations.

Reporting Requirements.—The conferees are concerned that the 21-day period of review prior to entering a privatization contract is too limited, and is extending this review period to a 45-day period. The Service Secretary concerned may not enter into any contract until after the end of the 45-day period beginning on the date the Secretary concerned submits written notice of the nature and terms of the contract to the appropriate committees of Congress.

To clarify existing reporting requirements, this 45-day notification requirement applies to any project, regardless of whether it is financed entirely by transfer of funds into the Family Housing Improvement Fund, or it is fully financed within funds available in the

Family Housing Improvement Fund, or it is funded by combining transferred funds with funds available in the Family Housing Improvement Fund.

In addition, no transfer of appropriated funds into the account may take place until after the end of the 45-day period beginning on the date the Secretary of Defense submits written notice and justification for the transfer to the appropriate committees of Congress. The House and Senate Appropriations Committees expect to receive prior notification of all such transfers of funds.

The Department is to continue its quarterly reports on the status of privatization projects.

BASE REALIGNMENT AND CLOSURE ACCOUNT,
PART IV

The conference agreement appropriates \$1,024,369,000 for the Base Realignment and Closure Account, Part IV, instead of \$1,174,369,000 as proposed by the House and Senate.

Unliquidated Obligations.—The conferees recommend a reduction of \$150,000,000 to the Base Realignment and Closure Account, Part IV. This reduction is based on slow budget execution and large amounts of unliquidated obligations. At the time the fiscal year 2001 budget estimate was being developed, the department had \$1,600,000,000 in reported unliquidated obligations in the Base Realignment and Closure account. Of this amount, \$115,000,000 was appropriated prior to fiscal year 1995. The majority of the unliquidated funds resulted from environmental cleanup activities that were carried out more slowly than planned or determined not to be necessary.

California—Fort Ord: Thermochemical Conversion.—The conferees are concerned about the environmental challenges associated with the base closure re-use issues at Fort Ord in California and the disposal of asbestos, PCB, impregnated asbestos, lead-based paint and other hazardous construction material. The conferees are aware of a cost-competitive environmentally safe process that offers great potential for addressing the unique problems at Fort Ord. This thermochemical conversion process, which changes asbestos and other construction material to a non-hazardous mineral, has been demonstrated by the Department of Energy, validated by the Navy at the Puget Sound Naval Shipyard in Washington and approved by the Environmental Protection Agency. Accordingly, the conferees direct the Department of the Army to develop and operate a thermochemical conversion pilot plant at Fort Ord for remediation of hazardous material generated by the activities of the Fort Ord Re-use Authority.

Construction Projects: Administrative Provision.—The conferees agree that any transfer of funds which exceeds reprogramming thresholds for any construction project financed by any Base Realignment and Closure Account shall be subject to a 21-day notification to the Committees, and shall not be subject to reprogramming procedure.

GENERAL PROVISIONS

The conference agreement includes general provisions that were not amended by either the House or Senate in their versions of the bill.

The conference agreement includes a provision, Section 121, as proposed by the House, which prohibits the expenditure of funds except in compliance with the Buy American Act. The Senate bill contained no similar provision.

The conference agreement includes a provision, Section 122, as proposed by the House, which states the Sense of the Congress that recipients of equipment or products authorized to be purchased with financial assistance provided in this Division are to be notified that they must purchase American-made equipment and products. The Senate bill contained no similar provision.

The conference agreement includes a provision, Section 123, as proposed by the House, permitting the transfer of funds from Family Housing, Construction accounts to the DOD Family Housing Improvement Fund. The Senate bill contained no similar provision.

The conference agreement includes a provision renumbered Section 124, as proposed by the House and the Senate, to prohibit the use of funds in this Division to be obligated for Partnership for Peace programs in the New Independent States of the former Soviet Union.

The conference agreement includes a provision renumbered Section 125, as proposed by the House and the Senate, which requires the Secretary of Defense to notify Congressional Committees sixty days prior to issuing a solicitation for a contract with the private sector for military family housing.

The conference agreement includes a provision renumbered Section 126, as proposed by the House and the Senate, which provides transfer authority to the Homeowners Assistance Program.

The conference agreement includes a provision, Section 127, as proposed by the House, regarding funding for general officers quarters and maintenance. The Senate bill contained a similar provision.

The conference agreement includes a provision, Section 128, as proposed by the House, regarding family housing master plans. The Senate bill contained no similar provision.

The conference agreement includes a provision, renumbered Section 129, as proposed by the Senate amended to reduce previous Acts by \$100,000,000. The House bill contained no similar provision.

The conference agreement includes a provision, renumbered Section 130, as proposed by the House which allows the transfer of funds appropriated in Public Law 106-52 under the heading "Military Construction, Naval Reserve" or "Military Construction, Navy." The Senate bill contained a similar provision.

The conference agreement includes a provision, renumbered Section 131, as proposed

by the Senate, which allows the Army to accept funds from the Federal Highway Administration for a military construction project involving a rail connector at Fort Campbell in Kentucky. The House bill contained no similar provision.

The conference agreement includes a provision, Section 132 which rescinds \$83,000,000 from the "Foreign Currency Fluctuations, Construction, Defense" account. The House and Senate bill contained no similar provision.

The conference agreement includes a provision, Section 133, which amends Section 131 of the Military Construction Appropriations Act, 1988 (Public Law 100-202). The House and Senate bill contained no similar provision.

The conference agreement includes a provision, Section 134, amending the Woodrow Wilson Memorial Bridge Authority Act of 1995 (112 Stat. 160). The House and Senate bill contained no similar provision.

The conference agreement includes a provision, Section 135, authorizing the use of private donations for the purpose of renovating the Marine Corps' historic residences. This provision requires a thirty-day notification to the appropriate committees of the Congress prior to the use of such funds.

The conference agreement includes a provision, Section 136, revising Section 8168 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) to clarify reporting requirements placed on the Department of the Air Force. This provision was included in Division B of the Senate bill. The House bill contained no similar provision.

The conference agreement includes a provision, Section 137, providing further guidance to the Department of Defense concerning planning and design impacting the Naval Submarine Base, Bangor, Washington. This provision was included in Division B of the Senate Bill. The House bill contained no similar provision.

The conference agreement includes a provision, Section 138, limiting appropriations for the Cadet Physical Development Center at the Military Academy, West Point, New York to \$77,500,000. The conferees direct that any further requirements be funded through private donations. The Secretary of the Army is directed to notify the appropriate committees of Congress thirty days prior to the use of private donations for this project. The House and Senate bills contained no similar provision.

The conference agreement includes a provision, Section 139, requiring the Secretary of Defense to report on the construction, security and operations of the Forward Operating Locations (FOL's) in Manta, Ecuador, Aruba, Curacao and El Salvador. The Senate bill contained a similar provision in Division B. The House bill contained no similar provision.

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
REDSTONE ARSENAL		
SPACE AND MISSILE DEFENSE COMMAND BUILDING.....	23,400	39,000
AIR FORCE		
MAXWELL AFB		
OFFICER TRAINING SCHOOL ACADEMIC FACILITY.....	3,825	3,825
TOTAL, ALABAMA.....	27,225	42,825
ALASKA		
ARMY		
FORT RICHARDSON		
CENTRAL VEHICLE WASH FACILITY.....	3,000	3,000
AIR FORCE		
CAPE ROMANZOV LONG RANGE RADAR SITE		
GENERATOR FUEL STORAGE.....	3,900	3,900
EIELSON AFB		
DORMITORY.....	14,540	14,540
HAZARDOUS MATERIAL STORAGE.....	1,450	1,450
JOINT MOBILITY COMPLEX.....	---	25,000
ELMENDORF AFB		
CHILD DEVELOPMENT CENTER.....	---	7,666
DORMITORY.....	15,920	15,920
UPGRADE HANGAR COMPLEX.....	11,600	11,600
AIR NATIONAL GUARD		
KULIS ANGB		
CORRISION CONTROL FACILITY.....	---	12,000
DEFENSE-WIDE		
FORT WAINWRIGHT		
HOSPITAL REPLACEMENT (PHASE II).....	44,000	44,000
NAVY RESERVE		
ELMENDORF AFB		
MARINE CORPS RESERVE TRAINING CENTER.....	6,403	6,403
TOTAL, ALASKA.....	100,813	145,479
ARIZONA		
ARMY		
FORT HUACHUCA		
CHILD DEVELOPMENT CENTER.....	---	3,350
FIELD OPERATIONS FACILITY.....	1,250	1,250
NAVY		
CAMP NAVAJO NAVY DETACHMENT		
MAGAZINE MODERNIZATION.....	2,940	2,940

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
YUMA MARINE CORPS AIR STATION COMBAT AIRCRAFT LOADING APRON.....	8,200	8,200
AIR FORCE		
DAVIS MONTHAN AFB FITNESS CENTER.....	7,900	7,900
ARMY NATIONAL GUARD PAPAGO MILITARY RESERVATION ADD/ALTER READINESS CENTER.....	---	2,265
YUMA READINESS CENTER.....	---	1,598
TOTAL, ARIZONA.....	20,290	27,503
ARKANSAS		
ARMY		
PINE BLUFF ARSENAL AMMUNITION DEMILITARIZATION FACILITY (PHASE V)....	43,600	---
CHEMICAL DEFENSE QUALIFICATION FACILITY.....	15,500	18,000
CHILD DEVELOPMENT CENTER.....	---	2,750
AIR FORCE		
LITTLE ROCK AFB ADD TO C-130 DROP ZONE.....	---	1,259
C-130 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT.....	7,960	7,960
FITNESS CENTER.....	9,100	9,100
DEFENSE-WIDE		
PINE BLUFF ARSENAL AMMUNITION DEMILITARIZATION FACILITY (PHASE V)....	---	43,600
AIR NATIONAL GUARD FORT SMITH MUNICIPAL AIRPORT REGIONAL FIRE TRAINING FACILITY.....	1,760	1,760
TOTAL, ARKANSAS.....	77,920	84,429
CALIFORNIA		
ARMY		
FORT IRWIN BARRACKS COMPLEX - NORTH.....	31,000	31,000
PRESIDIO OF MONTEREY BARRACKS ADDITION.....	---	2,600
NAVY		
BARSTOW MARINE CORPS LOGISTICS BASE PAINT AND UNDERCOAT FACILITY.....	---	6,660
CAMP PENDLETON MARINE CORPS BASE ARMOR/ANTI-ARMOR TRACKING RANGE.....	4,100	4,100
INFANTRY SQUADRON BATTLE COURSE.....	4,000	4,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
LEMOORE NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS.....	8,260	8,260
CHILD DEVELOPMENT CENTER EXPANSION.....	---	3,790
MIRAMAR MARINE CORPS AIR STATION		
GROUND COMBAT TRAINING RANGE.....	7,350	7,350
PHYSICAL FITNESS CENTER.....	---	6,390
MONTEREY NAVAL POSTGRADUATE SCHOOL		
BUILDING 245 EXTENSION (PHASE I).....	---	5,280
NORTH ISLAND NAVAL AIR STATION		
BERTHING WHARF (PHASE II).....	12,800	12,800
NORTH ISLAND NAVAL AVIATION DEPOT		
COMPONENT REPAIR CLEAN ROOM FACILITY.....	4,340	4,340
PORT HUENEME NAVAL SURFACE WARFARE CENTER		
WEAPON/COMBAT SYSTEM INTEG LAB.....	10,200	10,200
POINT MUGU NAVAL AIR WARFARE CTR WPNS DIV		
ADD/ALTER RANGE OPERATIONS CENTER.....	11,400	11,400
SAN CLEMENTE ISLAND NAVAL FACILITY		
AIRCRAFT OPERATIONS BUILDING.....	8,860	8,860
SAN DIEGO NAVAL STATION		
BERTHING PIER (PHASE I).....	35,700	35,700
TWENTYNINE PALMS		
BACHELOR ENLISTED QUARTERS.....	---	21,770
URBAN ASSAULT COURSE.....	2,100	2,100
AIR FORCE		
BEALE AFB		
CONTROL TOWER.....	---	6,299
WATER TREATMENT PLANT AND DISTRIBUTION LINE.....	3,800	3,800
LOS ANGELES AFB		
FITNESS CENTER.....	6,580	6,580
VANDENBERG AFB		
UPGRADE WATER DISTRIBUTION SYSTEM.....	4,650	4,650
DEFENSE-WIDE		
CAMP PENDLETON MARINE CORPS BASE		
FLEET HOSPITAL OPS/TRAINING COMMAND SUPPORT FAC...	2,900	2,900
MEDICAL/DENTAL CLINIC REPLACEMENT (HORNO).....	3,950	3,950
MEDICAL/DENTAL CLINIC REPLACEMENT (LAS FLORES)....	3,550	3,550
MEDICAL/DENTAL CLINIC REPLACEMENT (LAS PULGAS)....	3,750	3,750
CORONADO NAVAL AMPHIBIOUS BASE		
APPLIED INSTRUCTION FACILITY.....	4,300	4,300
NORTH ISLAND NAVAL AIR STATION		
REPLACE FUEL STORAGE TANKS.....	5,900	5,900
SMALL CRAFT BERTHING FACILITY.....	1,350	1,350
TWENTYNINE PALMS MARINE CORPS AIR STATION		
FUEL STORAGE FACILITY.....	2,200	2,200
EDWARDS AFB		
MEDICAL CLINIC ADDITION/DENTAL CLINIC ALTERATION..	17,900	17,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ARMY NATIONAL GUARD		
BAKERSFIELD		
ORGANIZATIONAL MAINTENANCE SHOP.....	1,380	---
COLTON		
ORGANIZATIONAL MAINTENANCE SHOP.....	489	---
ESCONDIDO		
ORGANIZATIONAL MAINTENANCE SHOP.....	1,380	---
FRESNO		
ORGANIZATIONAL MAINTENANCE SHOP.....	1,869	2,847
LOS ALAMITOS		
ORGANIZATIONAL MAINTENANCE SHOP.....	489	---
PARKS		
ORGANIZATIONAL MAINTENANCE SHOP.....	---	6,062
RICHMOND		
ORGANIZATIONAL MAINTENANCE SHOP.....	489	---
SAN JOSE		
ORGANIZATIONAL MAINTENANCE SHOP.....	1,869	---
SAN MATEO		
ORGANIZATIONAL MAINTENANCE SHOP.....	461	---
SANTA BARBARA		
ORGANIZATIONAL MAINTENANCE SHOP.....	483	---
NAVY RESERVE		
ALAMEDA NAVAL AIR STATION		
SEAWALL.....	950	950
TOTAL, CALIFORNIA.....	210,799	263,588
COLORADO		
ARMY		
PUEBLO DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)...	10,700	---
AIR FORCE		
BUCKLEY ANGB		
SPACE BASED INFRARED SYSTEM POWER CONNECTION.....	2,750	2,750
PETERSON AFB		
COMPUTER NETWORK DEFENSE FACILITY.....	---	6,826
DORMITORY.....	11,000	11,000
OPERATIONS SUPPORT FACILITY.....	2,260	2,260
MAINTAIN MAIN ACCESS GATE.....	---	2,310
SCHRIEVER AFB		
ADD TO OPERATIONAL SUPPORT FACILITY.....	8,450	8,450
US AIR FORCE ACADEMY		
ADD TO ATHLETIC FACILITY.....	18,960	18,960
ARMY NATIONAL GUARD		
FORT CARSON		
MOBILIZATION AND TRAINING EQUIPMENT SITE (PHASE I)	---	15,100

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
BUCKLEY ANGB		
REPLACE JOINT MUNITIONS MAINT AND STORAGE COMPLEX.	---	6,000
DEFENSE-WIDE		
PUEBLO DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)...	---	10,700
TOTAL, COLORADO.....	54,120	84,356
CONNECTICUT		
NAVY		
NEW LONDON NAVAL SUBMARINE BASE		
DRYDOCK SUPPORT FACILITY.....	3,100	3,100
DELAWARE		
ARMY NATIONAL GUARD		
SMYRNA		
READINESS CENTER.....	---	7,020
DISTRICT OF COLUMBIA		
NAVY		
WASHINGTON COMMANDANT NAVAL DISTRICT		
NAVY MUSEUM ANNEX.....	2,450	2,450
WASHINGTON MARINE BARRACKS, 8TH & I		
BACHELOR ENLISTED QUARTERS.....	17,197	17,197
SITE IMPROVEMENTS.....	---	7,400
WASHINGTON NAVAL RESEARCH LABORATORY		
NANO-SCIENCE RESEARCH FACILITY.....	---	12,390
AIR FORCE		
BOLLING AFB		
CHILD DEVELOPMENT CENTER.....	4,520	4,520
TOTAL, DISTRICT OF COLUMBIA.....	24,167	43,957
FLORIDA		
NAVY		
FORT LAUDERDALE NAVAL SURFACE WARFARE CTR DETACHMENT		
SEAWALL AND SHIP BERTHING FACILITY.....	3,570	3,570
MAYPORT NAVAL STATION		
AIRCRAFT CARRIER WHARF IMPROVEMENTS.....	---	6,830
PANAMA CITY NAVAL COASTAL SYSTEM CENTER		
AMPHIBIOUS WARFARE INTEGRATION FACILITY.....	---	9,960
WHITING FIELD NAVAL AIR STATION		
JPATS T-6A GSE SUPPORT/PAINT FACILITY.....	3,900	3,900
JPATS T-6A OPERATIONS/MAINTENANCE FACILITY.....	1,230	1,230

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
EGLIN AFB		
PRECISION GUIDED MUNITIONS MAINTENANCE FACILITY...	3,340	3,340
UPGRADE DORMITORY.....	5,600	5,600
EGLIN AUXILIARY FIELD 9		
DEFENSE ACCESS ROAD.....	2,360	2,360
UPGRADE ACCESS ROADS.....	5,600	5,600
PATRICK AFB		
DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE FAC	12,970	12,970
TYNDALL AFB		
F-22 ADD/ALTER MAINTENANCE FACILITY.....	18,500	18,500
F-22 OPERATIONS FACILITY.....	6,800	6,800
WEAPONS CONTROLLER TRAINING SCHOOL.....	---	6,195
DEFENSE-WIDE		
EGLIN AFB		
ADD/ALTER HOSPITAL/LIFE SAFETY UPGRADE.....	37,600	37,600
EGLIN AUXILIARY FIELD 9		
AGE MAINTENANCE DISPATCH COMPLEX.....	4,750	4,750
AIRFIELD READINESS IMPROVEMENTS.....	3,000	3,000
CORROSION CONTROL FACILITY.....	8,100	8,100
HOT CARGO PAD.....	7,354	7,354
MACDILL AFB		
REPLACE HYDRANT FUEL SYSTEM.....	16,956	16,956
PATRICK AFB		
MEDICAL CLINIC.....	2,700	2,700
TYNDALL AFB		
ADD/ALTER MEDICAL CLINIC.....	7,700	7,700
ARMY RESERVE		
CLEARWATER		
ARMY AVIATION SUPPORT FACILITY.....	---	17,800
ORLANDO		
ADD/ALTER RESERVE CENTER/ORGANIZATIONAL MAINT SHOP	17,953	17,953
ST PETERSBURG		
ARMED FORCES RESERVE CENTER (PHASE I).....	---	10,000
AIR FORCE RESERVE		
HOMESTEAD AFB		
ADD/ALTER FIRE STATION (PHASE II).....	---	2,000
TOTAL, FLORIDA.....	169,983	222,768
GEORGIA		
ARMY		
FORT BENNING		
BARRACKS COMPLEX (KELLEY HILL) (PHASE III-B).....	24,000	24,000
FIXED WING AIRCRAFT PARKING APRON.....	15,800	15,800

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FORT GORDON		
CONSOLIDATED FIRE STATION.....	---	2,600
FORT STEWART		
BARRACKS COMPLEX (HUNTER AAF) (PHASE I-C).....	26,000	26,000
NAVY		
ALBANY MARINE CORPS LOGISTICS BASE		
RENOVATE VEHICLE STORAGE FACILITY.....	1,100	1,100
ATHENS NAVAL SUPPLY CORPS SCHOOL		
FITNESS CENTER.....	---	2,950
KINGS BAY TRIDENT REFIT FACILITY		
CONSOLIDATED SANDBLAST/PAINT FACILITY.....	5,200	5,200
AIR FORCE		
FORT STEWART		
AIR SUPPORT OPERATIONS SQUADRON FACILITY.....	4,920	4,920
MOODY AFB		
DORMITORY.....	---	8,818
WATER TREATMENT PLANT.....	2,500	2,500
ROBINS AFB		
ADD/ALTER STORM DRAINAGE SYSTEM.....	---	11,752
AIRMEN DINING FACILITY.....	---	4,095
AIR NATIONAL GUARD		
ROBINS AFB		
B-1 MUNITIONS MAINTENANCE AND TRAINING COMPLEX....	8,500	8,500
NAVY RESERVE		
ATLANTA NAVAL AIR STATION		
FITNESS CENTER ADDITION.....	2,650	2,650
RESERVE TRAINING BUILDING ADDITION.....	1,769	1,769
AIR FORCE RESERVE		
DOBBINS AFB		
C-130 ASSAULT STRIP.....	6,032	6,032
TOTAL, GEORGIA.....	98,471	128,696
HAWAII		
ARMY		
POHAKULOA TRAINING RANGE		
SADDLE ACCESS ROAD.....	---	12,000
SCHOFIELD BARRACKS		
BARRACKS COMPLEX (WILSON STREET) (PHASE I-B).....	46,400	46,400
WHEELER ARMY AIR FIELD		
BARRACKS COMPLEX.....	43,800	43,800
NAVY		
CAMP SMITH		
CINCPAC HEADQUARTERS (PHASE II).....	35,600	35,600
FORD ISLAND		
SEWER FORCE MAIN.....	---	6,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
KANEOHE BAY MARINE CORPS BASE		
BACHELOR ENLISTED QUARTERS.....	18,400	18,400
LUALUALEI NAVAL UNDERSEA WARFARE DETACHMENT		
CONSOLIDATED FLEET TEST SUPPORT FACILITY.....	2,100	2,100
PEARL HARBOR FLEET AND INDUSTRIAL SUPPLY CENTER		
WHARF UPGRADE.....	12,000	12,000
PEARL HARBOR NAVAL STATION		
BACHELOR ENLISTED QUARTERS.....	16,500	16,500
RELOCATE SEAL DELIVERY VEHICLE TEAM.....	14,200	14,200
AIR FORCE		
HICKAM AFB		
UPGRADE HANGAR COMPLEX.....	4,620	4,620
DEFENSE-WIDE		
PEARL HARBOR		
SPECIAL DELIVERY DRYDECK FACILITY.....	---	9,900
ARMY NATIONAL GUARD		
MAUI		
READINESS CENTER.....	---	11,592
TOTAL, HAWAII.....	193,620	234,012
IDAHO		
AIR FORCE		
MOUNTAIN HOME AFB		
ENHANCED TRAINING RANGE (PHASE III).....	10,125	10,125
AIR NATIONAL GUARD		
GOWEN FIELD		
C-130 ASSAULT STRIP.....	---	9,000
TOTAL, IDAHO.....	10,125	19,125
ILLINOIS		
NAVY		
GREAT LAKES NAVAL TRAINING CENTER		
PHYSICAL TRAINING FACILITY.....	35,000	35,000
RECRUIT BARRACKS.....	37,000	37,000
RECRUIT BARRACKS.....	37,700	37,700
REPLACE TRAINING DRILL HALL.....	11,700	11,700
AIR FORCE		
SCOTT AFB		
MUNITIONS STORAGE/LAND ACQUISITION.....	3,830	3,830
ARMY NATIONAL GUARD		
AURORA		
READINESS CENTER.....	---	2,871
DANVILLE		
READINESS CENTER.....	---	2,435

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
SCOTT AFB		
KC-135E FLIGHT TRAINING FACILITY.....	1,500	1,500
TOTAL, ILLINOIS.....	126,730	132,036
INDIANA		
ARMY		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)..	54,400	---
DEFENSE-WIDE		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)..	---	54,400
ARMY NATIONAL GUARD		
DELPHI		
ORGANIZATIONAL MAINTENANCE SHOP.....	1,563	1,563
ELKHART		
ORGANIZATIONAL MAINTENANCE SHOP.....	2,322	2,322
LOGANSPOUT		
ORGANIZATIONAL MAINTENANCE SHOP.....	739	739
PLYMOUTH		
ORGANIZATIONAL MAINTENANCE SHOP.....	951	951
SOUTH BEND		
ORGANIZATIONAL MAINTENANCE SHOP.....	951	951
AIR NATIONAL GUARD		
FORT WAYNE INTERNATIONAL AIRPORT		
REPLACE FUEL CELL AND CORROSION CONTROL FACILITY..	---	7,000
AIR FORCE RESERVE		
GRISCOM AFRB		
SERVICES COMPLEX (PHASE II).....	---	11,290
NAVY RESERVE		
GRISCOM AFRB		
RESERVE TRAINING FACILITY.....	---	4,730
TOTAL, INDIANA.....	60,926	83,946
KANSAS		
ARMY		
FORT RILEY		
ADVANCE WASTE WATER TREATMENT FACILITY.....	---	22,000
BARRACKS COMPLEX (INFANTRY DRIVE) (PHASE I-C).....	15,000	15,000
AIR FORCE		
MCCONNELL AFB		
APPROACH LIGHTING SYSTEM.....	---	2,100
KC-135 SQUAD OPS/AIRCRAFT MAINTENANCE UNIT.....	---	9,764

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
MCCONNELL AFB		
HYDRANT FUEL SYSTEM.....	11,000	11,000
ARMY NATIONAL GUARD		
KANSAS CITY		
ORGANIZATIONAL MAINTENANCE SHOP.....	641	641
AIR NATIONAL GUARD		
MCCONNELL AFB		
B-1 POWER CHECK PAD WITH SOUND SUPPRESSOR.....	---	1,550
TOTAL, KANSAS.....	26,641	62,055
KENTUCKY		
ARMY		
BLUEGRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION SUPPORT (PHASE II)....	8,500	---
FORT CAMPBELL		
BARRACKS COMPLEX (MARKET GARDEN RD) (PHASE II-C)..	9,400	9,400
FORT KNOX		
MULTI-PURPOSE DIGITAL TRAINING RANGE (PHASE III)..	8,450	9,000
DEFENSE-WIDE		
BLUEGRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION SUPPORT (PHASE II)....	---	8,500
FORT CAMPBELL		
EQUIPMENT MAINTENANCE COMPLEX.....	4,500	4,500
FLIGHT SIMULATOR FACILITY.....	5,400	5,400
TACTICAL EQUIPMENT COMPLEX.....	6,400	6,400
ARMY NATIONAL GUARD		
FORT KNOX		
PARKING AT MATES.....	---	3,929
TOTAL, KENTUCKY.....	42,650	47,129
LOUISIANA		
AIR FORCE		
BARKSDALE AFB		
B-52H FUEL CELL MAINTENANCE DOCK.....	---	14,074
DORMITORY.....	6,390	6,390
ARMY RESERVE		
FORT POLK		
ADD/ALTER RESERVE CENTER/ORGANIZATIONAL		
MAINTENANCE SHOP/EQUIPMENT CONCENTRATION SITE...	9,912	9,912
NEW ORLEANS		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/		
UNHEATED STORAGE.....	10,375	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NAVY RESERVE		
NEW ORLEANS NAVAL SUPPORT ACTIVITY		
PHYSICAL FITNESS/RECREATION AREA.....	---	1,670
NEW ORLEANS NAVAL AIR STATION		
AIR PASSENGER TERMINAL.....	590	590
JOINT RESERVE CENTER (PHASE I).....	---	7,000
WAREHOUSE ADDITION.....	800	800
TOTAL, LOUISIANA.....	28,067	40,436
MAINE		
NAVY		
BRUNSWICK NAVAL AIR STATION		
AIRCRAFT DE-ICING/RINSE FACILITY.....	2,450	2,450
PATUXENT RIVER NAVAL SHIPYARD		
WATERFRONT CRANE RAIL SYSTEM.....	---	4,960
TOTAL, MAINE.....	2,450	7,410
MARYLAND		
ARMY		
ABERDEEN PROVING GROUND		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)...	45,700	---
MUNITIONS ASSESSMENT/PROCESSING SYSTEMS FACILITY..	3,100	---
FORT MEADE		
BARRACKS.....	---	19,000
NAVY		
INDIAN HEAD NAVAL EXPLOSIVE ORDNANCE CENTER		
JOINT SERVICE EOD EQUIPMENT SUPPORT FACILITY.....	6,430	6,430
PATUXENT RIVER NAVAL AIR STATION		
ENVIRONMENTAL NOISE REDUCTION WALL.....	---	1,670
RESEARCH AND TEST EVALUATION SUPPORT FACILITY.....	---	6,570
DEFENSE-WIDE		
ABERDEEN PROVING GROUND		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)...	---	45,700
MUNITIONS ASSESSMENT/PROCESSING SYSTEMS FACILITY..	---	3,100
PATUXENT RIVER NAVAL AIR STATION		
REPLACE OPERATING FUEL TANKS.....	8,300	8,300
FORT MEADE		
CRITICAL UTILITY CONTROL (PHASE II).....	769	769
ROUTE 32.....	3,459	3,459
TOTAL, MARYLAND.....	67,758	94,998
MASSACHUSETTS		
AIR FORCE		
HANSCOM AFB		
RENOVATE ACQUISITION MGMT FACILITY (PHASE II).....	---	12,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
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AIR NATIONAL GUARD		
BARNES MUNICIPAL AIRPORT		
RELOCATE TAXIWAY.....	---	4,000
OTIS ANGB		
UPGRADE AIRFIELD STORM WATER SYSTEM.....	---	2,000
NAVY RESERVE		
WESTOVER AFRB		
MARINE RESERVE TRAINING FACILITY.....	---	9,100
RESCISSION, FISCAL YEAR 1998.....	---	-2,400
AIR FORCE RESERVE		
WESTOVER AFRB		
REPAIR/ALTER AIRMEN QUARTERS.....	---	7,450
TOTAL, MASSACHUSETTS.....	---	32,150
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MICHIGAN		
ARMY NATIONAL GUARD		
LANSING		
COMBINED MAINTENANCE SHOP (PHASE I).....	---	17,000
AUGUSTA		
ORGANIZATIONAL MAINTENANCE SHOP.....	---	3,600
MIDLAND		
ORGANIZATIONAL MAINTENANCE SHOP.....	3,600	---
AIR NATIONAL GUARD		
ALPENA COUNTY REGIONAL AIRPORT		
REPLACE OPERATIONS AND TRAINING COMPLEX.....	4,500	4,500
SELFRRIDGE ANGB		
UPGRADE RUNWAY.....	---	18,000
TOTAL, MICHIGAN.....	8,100	43,100
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MINNESOTA		
ARMY NATIONAL GUARD		
CAMP RIPLEY		
COMBINED SUPPORT MAINTENANCE SHOP (PHASE II).....	---	10,368
MANKATO		
READINESS CENTER.....	4,681	4,681
TOTAL, MINNESOTA.....	4,681	15,049
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MISSISSIPPI		
NAVY		
MERIDIAN NAVAL AIR STATION		
T-45 AIRCRAFT SUPPORT FACILITIES.....	4,700	4,700
STENNIS SPACE CENTER		
WARFIGHTING CENTER.....	---	6,950

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
<hr/>		
AIR FORCE		
COLUMBUS AFB		
CORROSION CONTROL FACILITY.....	---	4,828
KEESLER AFB		
TECHNICAL TRAINING FACILITY.....	15,040	15,040
ARMY NATIONAL GUARD		
CAMP MCCAIN		
MODIFIED RECORD FIRE RANGE.....	---	2,000
OXFORD		
READINESS CENTER.....	---	3,348
AIR NATIONAL GUARD		
JACKSON INTERNATIONAL AIRPORT		
C-17 CORROSION CONTROL/MAINTENANCE HANGAR.....	10,500	12,200
TOTAL, MISSISSIPPI.....	<hr/> 30,240	<hr/> 49,066
MISSOURI		
ARMY		
FORT LEONARD WOOD		
AIRFIELD IMPROVEMENTS.....	---	4,200
BASIC TRAINING COMPLEX (PHASE I-A).....	38,600	38,600
AIR FORCE		
WHITEMAN AFB		
B-2 CONVENTIONAL MUNITIONS IGLOOS.....	4,150	4,150
B-2 MUNITIONS ASSEMBLY AREA.....	7,900	7,900
ARMY NATIONAL GUARD		
MARYVILLE		
READINESS CENTER.....	---	4,225
NAVY RESERVE		
WHITEMAN AFB		
LITTORAL SURVEILLANCE SYSTEM.....	---	3,570
TOTAL, MISSOURI.....	<hr/> 50,650	<hr/> 62,645
MONTANA		
AIR FORCE		
MALMSTROM AFB		
CONVERT COMMERCIAL GATE.....	---	3,517
HELICOPTER OPERATIONS FACILITY.....	---	2,362
MINUTEMAN III MISSILE SERVICE FACILITY.....	5,300	5,300
ARMY NATIONAL GUARD		
BOZEMAN		
READINESS CENTER.....	---	4,916
HAVRE		
ORGANIZATIONAL MAINTENANCE SHOP.....	461	461

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
KALISPELL		
ORGANIZATIONAL MAINTENANCE SHOP.....	493	493
LIBBY		
ORGANIZATIONAL MAINTENANCE SHOP.....	463	463
TOTAL, MONTANA.....	6,717	17,512
NEBRASKA		
ARMY NATIONAL GUARD		
GERING		
ORGANIZATIONAL MAINTENANCE SHOP.....	657	657
MEAD		
ORGANIZATIONAL MAINTENANCE SHOP.....	714	714
NORTH PLATTE		
ORGANIZATIONAL MAINTENANCE SHOP.....	508	508
TOTAL, NEBRASKA.....	1,879	1,879
NEVADA		
NAVY		
FALLON NAVAL AIR STATION		
CORROSION CONTROL HANGAR.....	---	6,280
ARMY NATIONAL GUARD		
CARSON CITY USP&FO		
ADMINISTRATION BUILDING.....	---	4,472
AIR NATIONAL GUARD		
RENO-TAHOE INTERNATIONAL AIRPORT		
FUEL STORAGE COMPLEX.....	---	5,000
DEFENSE-WIDE		
FALLON NAVAL AIR STATION		
REPLACE OPERATING FUEL TANKS.....	5,000	5,000
TOTAL, NEVADA.....	5,000	20,752
NEW HAMPSHIRE		
AIR NATIONAL GUARD		
PEASE INTERNATIONAL TRADE PORT		
MEDICAL TRAINING FACILITY.....	---	4,000
ARMY RESERVE		
ROCHESTER		
LAND ACQUISITION.....	980	980
TOTAL, NEW HAMPSHIRE.....	980	4,980
NEW JERSEY		
ARMY		
PICATINNY ARSENAL		
ARMAMENT SOFTWARE ENGINEERING CENTER (PHASE II)...	---	5,600

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

NAVY		
EARLE NAVAL WEAPONS STATION RECREATION CENTER.....	2,420	2,420
AIR FORCE		
MCGUIRE AFB		
AIR FREIGHT TERMINAL/BASE SUPPLY COMPLEX (PHASE I)	---	10,600
FITNESS CENTER.....	9,772	9,772
	-----	-----
TOTAL, NEW JERSEY.....	12,192	28,392
NEW MEXICO		
AIR FORCE		
CANNON AFB		
CONTROL TOWER.....	---	4,934
HOLLOMAN AFB		
REPAIR BONITO PIPELINE.....	---	18,380
KIRTLAND AFB		
FIRE/CRASH RESCUE STATION.....	---	7,350
	-----	-----
TOTAL, NEW MEXICO.....	---	30,664
NEW YORK		
ARMY		
FORT DRUM		
BATTLE SIMULATION CENTER (PHASE I).....	---	12,000
CONSOLIDATED SOLDIER SUPPORT CENTER (PHASE II)....	10,300	10,300
U S MILITARY ACADEMY		
CADET PHYSICAL DEVELOPMENT CENTER (PHASE II-A)....	13,600	13,600
DEFENSE-WIDE		
FORT DRUM		
VETERINARY TREATMENT FACILITY.....	1,400	1,400
ARMY NATIONAL GUARD		
HANCOCK FIELD		
READINESS CENTER.....	5,376	5,376
AIR NATIONAL GUARD		
HANCOCK FIELD		
SMALL ARMS RANGE TRAINING FACILITY.....	---	1,250
UPGRADE AIRCRAFT MAINTENANCE SHOPS.....	---	9,100
NIAGRA FALLS INTERNATIONAL AIRPORT		
UPGRADE OVERRUN AND RUNWAY.....	---	4,100
	-----	-----
TOTAL, NEW YORK.....	30,676	57,126
NORTH CAROLINA		
ARMY		
FORT BRAGG		
AMMUNITION HOLDING AREA.....	12,600	12,600

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
BARRACKS COMPLEX (BUTNER ROAD) (PHASE I).....	26,000	26,000
BARRACKS COMPLEX (LONGSTREET ROAD) (PHASE I).....	45,600	45,600
BARRACKS COMPLEX (TAGAYTAY STREET) (PHASE II-B)...	38,600	38,600
SUNNY POINT MILITARY OCEAN TERMINAL		
RAILROAD EQUIPMENT MAINTENANCE FACILITY.....	2,300	2,300
NAVY		
CAMP LEJEUNE MARINE CORPS BASE		
AMPHIB OPERATION/MAINTENANCE STORAGE COMPLEX.....	9,500	9,500
ARMORIES.....	10,000	14,000
BACHELOR ENLISTED QUARTERS.....	14,300	14,300
CHILD DEVELOPMENT CENTER.....	4,420	4,420
OPERATIONS/MAINTENANCE/STORAGE FACILITY.....	3,650	3,650
CHERRY POINT MARINE CORPS AIR STATION		
AIRCRAFT HANGAR IMPROVEMENTS.....	8,480	8,480
CHERRY POINT NAVAL AVIATION DEPOT		
AIRCRAFT STRIPPING FACILITY ADDITION.....	7,540	7,540
NEW RIVER MARINE CORPS AIR STATION		
AIRCRAFT RINSE FACILITY.....	800	800
AIR TRAFFIC CONTROL TOWER.....	2,600	2,600
AIR FORCE		
POPE AFB		
DANGEROUS CARGO PADS.....	24,570	24,570
SEYMOUR JOHNSON AFB		
REPAIR AIRFIELD PAVEMENTS.....	---	7,141
DEFENSE-WIDE		
CAMP LEJEUNE MARINE CORPS BASE		
RUSSELL ELEMENTARY SCHOOL.....	5,914	5,914
CHERRY POINT MARINE CORPS AIR STATION		
REPLACE FUEL STORAGE TANKS.....	5,700	5,700
FORT BRAGG		
MEDIA OPERATIONS COMPLEX.....	8,600	8,600
ARMY NATIONAL GUARD		
FORT BRAGG		
MILITARY EDUCATION FACILITY (PHASE I).....	8,709	8,709
AIR NATIONAL GUARD		
CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT		
REPLACE SUPPLY WAREHOUSE.....	---	6,300
TOTAL, NORTH CAROLINA.....	239,883	257,324
NORTH DAKOTA		
ARMY NATIONAL GUARD		
WAHPETON		
ARMED FORCES READINESS CENTER.....	---	10,960
OHIO		
ARMY		
COLUMBUS DEFENSE SUPPLY CENTER		
MILITARY ENTRANCE PROCESSING STATION.....	1,832	1,832

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
WRIGHT-PATTERSON AFB		
CONSOLIDATED TOXICS HAZARDS LAB.....	---	14,908
REPLACE WEST RAMP (PHASE I).....	22,600	22,600
AIR NATIONAL GUARD		
MANSFIELD-LAHM AIRPORT		
REPLACE SQUADRON OPERATIONS AND COMMUNICATIONS....	---	7,700
SPRINGFIELD-BUCKLEY MUNICIPAL AIRPORT		
RELOCATE POWER CHK PAD AND ARM/DEARM PAD (PHASE I)	---	4,000
NAVY RESERVE		
COLUMBUS NAVAL AND MARINE CORPS RESERVE CENTER		
CONSOLIDATED NAVY AND MARINE CORPS AIR RESERVE CTR	---	7,080
TOTAL, OHIO.....	24,432	58,120
OKLAHOMA		
ARMY		
FORT SILL		
TACTICAL EQUIPMENT SHOP (PHASE II).....	---	10,100
AIR FORCE		
ALTUS AFB		
C-17 CARGO COMPARTMENT TRAINER.....	---	2,939
TINKER AFB		
DEPOT CORROSION CONTROL STRIP FACILITY.....	12,380	12,380
DORMITORY.....	---	8,715
DORMITORY.....	5,800	5,800
VANCE AFB		
MAINTENANCE HANGAR.....	---	10,504
ARMY NATIONAL GUARD		
SAND SPRINGS		
ARMED FORCES RESERVE CENTER.....	---	13,530
TOTAL, OKLAHOMA.....	18,180	63,968
OREGON		
ARMY		
UMATILLA DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE VI)...	9,400	---
DEFENSE-WIDE		
UMATILLA DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE VI)...	---	9,400
ARMY NATIONAL GUARD		
BAKER CITY		
READINESS CENTER.....	3,122	3,122
CAMP RILEA		
TRAINING SIMULATION CENTER.....	---	1,470

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

NAVY RESERVE		
PORTLAND INTERNATIONAL AIRPORT		
ALTER RESERVE CENTER/VEHICLE MAINTENANCE FACILITY.	1,420	1,420
TOTAL, OREGON.....	13,942	15,412

PENNSYLVANIA		
ARMY		
CARLISLE BARRACKS		
ACADEMIC RESEARCH FACILITY.....	10,500	10,500
NEW CUMBERLAND DEFENSE DISTRIBUTION CENTER		
MILITARY ENTRANCE PROCESSING STATION.....	3,700	3,700
NAVY		
PHILADELPHIA NAVAL SURFACE WARFARE CENTER		
GAS TURBINE TEST FACILITY.....	---	10,680
DEFENSE-WIDE		
SUSQUEHANNA DEFENSE DISTRIBUTION DEPOT		
REPLACE CHILD DEVELOPMENT CENTER.....	4,700	4,700
REPLACE CONTROLLED HUMIDITY WAREHOUSE.....	13,000	13,000
ARMY NATIONAL GUARD		
FORT INDIANTOWN GAP		
REPAIR WASTE TREATMENT PLANT/SEWAGE LINE		
REPLACEMENT (PHASE I).....	---	8,518
JOHNSTOWN		
REGIONAL MAINTENANCE SHOP.....	---	4,500
MANSFIELD		
READINESS CENTER.....	---	3,100
NEW MILFORD		
READINESS CENTER.....	---	2,675
AIR FORCE RESERVE		
WILLOW GROVE ARS		
ALTER HANGAR AND FIRE SUPPRESSION.....	2,400	2,400
TOTAL, PENNSYLVANIA.....	34,300	63,773

RHODE ISLAND		
NAVY		
NEWPORT NAVAL UNDERSEA WARFARE CENTER		
SHORE BASED LAUNCH FACILITY.....	4,150	4,150
AIR NATIONAL GUARD		
QUONSET STATE AIRPORT		
MAINTENANCE HANGAR AND SHOPS (PHASE I).....	---	8,900
TOTAL, RHODE ISLAND.....	4,150	13,050

SOUTH CAROLINA		
NAVY		
BEAUFORT MARINE CORPS AIR STATION		
FLIGHTLINE FIRE SAFETY IMPROVEMENTS.....	3,140	3,140

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
PARRIS ISLAND MARINE CORPS RECRUIT DEPOT FIELD TRAINING COMPLEX.....	2,660	2,660
AIR FORCE		
CHARLESTON AFB		
BASE MOBILITY WAREHOUSE.....	---	9,449
C-17 ADD TO FLIGHT SIMULATOR FACILITY.....	2,500	2,500
RUNWAY REPAIR.....	---	10,289
SHAW AFB		
DINING FACILITY.....	---	5,252
USCENTAF OPERATIONS WEATHER SQUADRON FACILITY.....	2,850	2,850
DEFENSE-WIDE		
BEAUFORT MARINE CORPS AIR STATION		
LAUREL BAY PRIMARY SCHOOL CLASSROOM ADDITION.....	804	804
ARMY NATIONAL GUARD		
BEAUFORT MARINE CORPS AIR STATION		
READINESS CENTER.....	---	4,870
LEESBURG TRAINING CENTER		
INFRASTRUCTURE UPGRADES.....	---	5,682
NAVY RESERVE		
FORT JACKSON		
NAVAL RESERVE ARMORY.....	---	5,200
TOTAL, SOUTH CAROLINA.....	11,954	52,696
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AFB		
BASE CIVIL ENGINEER COMPLEX (PHASE I).....	---	10,290
ARMY NATIONAL GUARD		
SIOUX FALLS		
CONSOLIDATED BARRACKS/EDUCATION FACILITY.....	---	4,955
TOTAL, SOUTH DAKOTA.....	---	15,245
TENNESSEE		
ARMY NATIONAL GUARD		
HENDERSON		
READINESS CENTER.....	---	5,165
NEW TAZWELL		
READINESS CENTER.....	---	3,510
TOTAL, TENNESSEE.....	---	8,675
TEXAS		
ARMY		
FORT BLISS		
RAILYARD INFRASTRUCTURE.....	26,000	26,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FORT HOOD		
COMMAND AND CONTROL FACILITIES (PHASE I).....	---	4,000
FIRE STATION/TRANSPORTATION MOTOR POOL.....	---	6,492
MULTI-PURPOSE DIGITAL TRAINING RANGE (PHASE I)....	16,000	16,000
RAILHEAD FACILITY (PHASE III).....	9,800	9,800
RED RIVER ARMY DEPOT		
AMMUNITION CONTAINER COMPLEX.....	800	800
NAVY		
CORPUS CHRISTI NAVAL AIR STATION		
PARKING APRON EXPANSION.....	---	4,850
INGLESIDE NAVAL STATION		
MOBILE MINE ASSEMBLY UNIT FACILITY.....	---	2,420
KINGSVILLE NAVAL AIR STATION		
AIRCRAFT PARKING APRON.....	---	2,670
AIR FORCE		
DYESS AFB		
FITNESS CENTER.....	---	12,813
REALISTIC BOMBER TRAINING INITIATIVE.....	12,175	12,175
LACKLAND AFB		
CHILD DEVELOPMENT CENTER.....	---	4,830
DORMITORY.....	5,500	5,500
SHEPPARD AFB		
DINING FACILITY.....	---	6,450
LAUGHLIN AFB		
VISITORS QUARTERS.....	---	11,973
DEFENSE-WIDE		
FORT BLISS		
LABORATORY RENOVATION.....	---	4,200
ARMY RESERVE		
CAMP BULLIS		
RESERVE CENTER/UNHEATED STORAGE.....	1,464	1,464
FORT SAM HOUSTON		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/ EQUIPMENT CONCENTRATION SITE.....	13,678	13,678
AIR NATIONAL GUARD		
ELLINGTON FIELD		
REPLACE BASE SUPPLY AND CIVIL ENGINEER COMPLEX....	---	10,000
NAVY RESERVE		
FORT WORTH NAVAL AIR STATION		
INDOOR RIFLE RANGE.....	---	3,490
RELIGIOUS MINISTRY FACILITY.....	---	1,830
TOTAL, TEXAS.....	85,417	164,945
UTAH		
AIR FORCE		
HILL AFB		
C-130 CORROSION CONTROL FACILITY.....	16,500	16,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DORMITORY.....	---	11,550
AIR NATIONAL GUARD		
SALT LAKE CITY INTERNATIONAL AIRPORT		
UPGRADE AIRCRAFT MAINTENANCE COMPLEX.....	10,300	10,300
TOTAL, UTAH.....	26,800	38,350
VERMONT		
AIR NATIONAL GUARD		
BURLINGTON INTERNATIONAL AIRPORT		
AIRCRAFT MAINTENANCE COMPLEX.....	---	9,300
VIRGINIA		
ARMY		
FORT EUSTIS		
AIRCRAFT MAINTENANCE INSTRUCTION BUILDING.....	---	4,450
NAVY		
DAHLGREN NAVAL SURFACE WARFARE CENTER		
INNOVATIVE TECHNOLOGY AND INFRASTRUCTURE.....	11,300	11,300
JOINT WARFARE ANALYSIS CENTER.....	---	19,400
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
WATERFRONT OPERATIONS BUILDING.....	2,830	2,830
NORFOLK NAVAL AIR STATION		
AIRCRAFT MAINTENANCE HANGAR.....	13,300	13,300
AIRCRAFT MAINTENANCE HANGAR.....	11,800	11,800
TAXIWAY EXTENSION AND LIGHTS.....	6,350	6,350
NORFOLK NAVAL STATION		
PIER ENHANCEMENTS.....	4,700	4,700
NORFOLK NAVAL SHIPYARD		
BACHELOR ENLISTED QUARTERS.....	16,100	16,100
OCEANA NAVAL AIR STATION		
AIRFIELD IMPROVEMENTS.....	5,250	5,250
QUANTICO MARINE CORPS COMBAT DEV COMMAND		
PHYSICAL TRAINING FACILITY.....	8,590	8,590
WALLOPS ISLAND AEGIS COMBAT SYSTEMS CENTER		
SPY-1D TEST AND EVALUATION FACILITY ADDITION.....	3,300	3,300
AIR FORCE		
LANGLEY AFB		
DORMITORY.....	7,470	7,470
FITNESS CENTER.....	---	12,180
DEFENSE-WIDE		
DAM NECK FLEET COMBAT TRAINING CENTER		
OPERATIONAL SUPPORT FACILITY.....	5,500	5,500
RICHMOND DEFENSE SUPPLY CENTER		
EMERGENCY SERVICES FACILITY.....	4,500	4,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
AIR OPERATIONS FACILITY.....	5,400	5,400
OCEANA NAVAL AIR STATION		
OPERATIONS SUPPORT FACILITY.....	3,400	3,400
REPLACE FUEL STORAGE TANK.....	2,000	2,000
ARMY RESERVE		
FORT A P HILL		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/ AREA MAINTENANCE SUPPORT ACTIVITY.....	4,275	4,275
ARMY NATIONAL GUARD		
RICHLANDS		
ORGANIZATIONAL MAINTENANCE SHOP.....	---	1,175
TOTAL, VIRGINIA.....	116,065	153,270
WASHINGTON		
NAVY		
BANGOR NAVAL SUBMARINE BASE		
EXPLOSIVE HANDLING WHARF MODIFICATIONS.....	1,400	1,400
STRATEGIC SECURITY SUPPORT FACILITY.....	---	4,600
BREMERTON NAVAL STATION		
FLEET RECREATION FACILITY.....	---	1,930
PIER REPLACEMENT (PHASE I).....	38,000	38,000
EVERETT NAVAL STATION		
AQUATIC COMBAT TRAINING FACILITY.....	---	5,500
PUGET SOUND NAVAL SHIPYARD		
CHEMICAL METALLURGICAL LABORATORY.....	9,400	9,400
INDUSTRIAL SKILLS CENTER (PHASE I).....	---	10,000
OILY WASTEWATER COLLECTION.....	6,600	6,600
AIR FORCE		
FAIRCHILD AFB		
JOINT PERSONNEL RECOVERY TRAINING FACILITY.....	---	5,880
RUNWAY CENTERLINE LIGHTING.....	---	2,046
MCCHORD AFB		
C-17 ADD/ALTER NOSE DOCKS.....	3,750	3,750
C-17 SQUADRON OPERATIONS/AIRCRAFT MAINTENANCE UNIT	6,500	6,500
ARMY NATIONAL GUARD		
BREMERTON		
READINESS CENTER.....	2,639	4,341
YAKIMA		
READINESS CENTER.....	5,104	6,713
ARMY RESERVE		
FORT LAWTON		
SITE IMPROVEMENTS.....	---	3,400
TACOMA		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/ AREA MAINTENANCE SUPPORT ACTIVITY MARINE.....	14,759	14,759

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TOTAL, WASHINGTON.....	88,152	124,819
WEST VIRGINIA		
AIR NATIONAL GUARD		
YEAGER ANGB		
UPGRADE PARKING APRON/TAXIWAY.....	---	6,000
NAVY RESERVE		
ELEANOR		
RESERVE CENTER.....	---	2,500
TOTAL, WEST VIRGINIA.....	---	8,500
WYOMING		
AIR FORCE		
FE WARREN AFB		
COMMAND AND CONTROL SUPPORT FACILITY.....	10,200	10,200
MINUTEMAN III MISSILE SERVICE COMPLEX.....	15,520	15,520
AIR NATIONAL GUARD		
CHEYENNE INTERNATIONAL AIRPORT		
CONTROL TOWER.....	---	1,450
TOTAL, WYOMING.....	25,720	27,170
CONUS CLASSIFIED		
AIR FORCE		
CLASSIFIED LOCATION		
SPECIAL TACTICAL UNIT DETACHMENT FACILITY.....	1,810	1,810
CONUS VARIOUS		
NAVY		
CONUS VARIOUS		
BACHELOR ENLISTED QUARTERS/DINING FACILITY.....	11,500	11,500
BAHRAIN ISLAND		
NAVY		
SOUTHWEST NAVAL ADMINISTRATIVE SUPPORT UNIT		
OPERATIONS CENTER.....	19,400	19,400
CURACAO/ARUBA		
DEFENSE-WIDE		
REINA BEATRIX INTERNATIONAL AIRPORT (ARUBA)		
AIRFIELD PAVEMENT/RINSE FACILITY.....	8,800	---
SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT/STORAGE...	860	---
SMALL AIRCRAFT MAINTENANCE HANGAR/APRON.....	590	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
HATO INTERNATIONAL AIRPORT (CURACAO)		
AIRCRAFT MAINTENANCE HANGAR/NOSE/DOCK/APRON.....	9,200	---
AIRFIELD PAVEMENT/RINSE FACILITY.....	29,500	---
MAINTENANCE FACILITIES.....	3,000	---
SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT/STORAGE...	2,200	---
TOTAL, CURACAO/ARUBA.....	54,150	---
DIEGO GARCIA		
AIR FORCE		
DIEGO GARCIA		
MUNITIONS STORAGE IGLOOS.....	5,475	5,475
ECUADOR		
DEFENSE-WIDE		
MANTA AIR BASE		
AIRCRAFT MAINTENANCE HANGAR/NOSE/DOCK/APRON.....	6,723	---
MAINTENANCE FACILITIES.....	4,900	---
RESCUE STATION.....	2,200	---
SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT/STORAGE...	2,600	---
VISITING AIRMEN QUARTERS/DINING FACILITY.....	4,650	---
VISITING OFFICER QUARTERS.....	1,600	---
TOTAL, ECUADOR.....	22,673	---
GERMANY		
ARMY		
BAMBERG		
BARRACKS COMPLEX.....	7,800	7,800
BARRACKS COMPLEX.....	3,850	3,850
DARMSTADT		
BARRACKS COMPLEX.....	5,700	5,700
BARRACKS COMPLEX.....	5,600	5,600
KAISERSLAUTERN		
CHILD DEVELOPMENT CENTER.....	3,400	3,400
MANNHEIM		
BARRACKS COMPLEX.....	4,050	4,050
DEFENSE-WIDE		
DARMSTADT		
RENOVATE ADMINISTRATIVE FACILITY.....	2,450	2,450
HANAU		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	1,026	2,030
HOHENFELS		
CONSTRUCT MIDDLE SCHOOL/HIGH SCHOOL.....	13,774	13,774
KITZINGEN		
HEALTH/DENTAL CLINIC LIFE SAFETY UPGRADE.....	1,400	1,400

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
KLEBER KASERNE		
REGIONAL FINANCE CENTER.....	7,500	7,500
SCHWEINFURT		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	1,444	1,750
WIESBADEN		
ADD/ALTER HEALTH/DENTAL CLINIC.....	7,187	7,187
WUERZBURG		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	1,798	2,635
TOTAL, GERMANY.....	66,979	69,126
GUAM		
DEFENSE-WIDE		
ANDERSEN AFB		
REPLACE FUEL STORAGE TANKS.....	16,000	16,000
REPLACE HYDRANT FUEL SYSTEM.....	20,000	20,000
TOTAL, GUAM.....	36,000	36,000
ITALY		
NAVY		
NAPLES NAVAL SUPPORT ACTIVITY		
BACHELOR ENLISTED QUARTERS.....	15,000	15,000
SIGONELLA NAVAL AIR STATION		
COMMUNITY FACILITIES.....	32,029	32,969
AIR FORCE		
AVIANO AIR BASE		
DORMITORY.....	8,000	8,000
DEFENSE-WIDE		
SIGONELLA NAVAL AIR STATION		
REPLACE BULK FUEL STORAGE FACILITY.....	16,300	16,300
NAPLES NAVAL SUPPORT ACTIVITY		
MEDICAL/DENTAL FACILITY REPLACEMENT.....	43,850	---
SIGONELLA		
ELEMENTARY/HIGH SCHOOL CLASSROOM ADDITION.....	971	3,450
TOTAL, ITALY.....	116,150	75,719
JAPAN		
DEFENSE-WIDE		
IWAKUNI MARINE CORPS AIR STATION		
BULK FUEL STORAGE TANKS.....	22,400	22,400
MISAWA AIR BASE		
BULK FUEL STORAGE TANKS.....	26,400	26,400
TOTAL, JAPAN.....	48,800	48,800
KOREA		
ARMY		
CAMP CARROLL		
WHOLE BARRACKS RENEWAL.....	---	10,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
CAMP HOVEY		
DINING FACILITY.....	---	4,200
WHOLE BARRACKS RENEWAL.....	---	26,000
CAMP HUMPHREYS		
BARRACKS COMPLEX.....	14,200	14,200
CAMP PAGE		
BARRACKS COMPLEX.....	19,500	19,500
YONGPYONG		
MOUT COLLECTIVE TRAINING FACILITY.....	---	11,850
AIR FORCE		
KUNSAN AIR BASE		
UPGRADE WATER DISTRIBUTION SYSTEM.....	6,400	6,400
OSAN AIR BASE		
DORMITORY.....	11,348	11,348
UPGRADE WATER DISTRIBUTION SYSTEM.....	10,600	10,600
DEFENSE-WIDE		
OSAN		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	---	892
SEOUL		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	---	2,451
TAEGU AB		
ELEMENTARY SCHOOL/HIGH SCHOOL CLASSROOM ADDITION..	---	806
TACTICAL EQUIPMENT MAINTENANCE COMPLEX.....	1,450	1,450
TOTAL, KOREA.....	63,498	119,697
KWAJALEIN		
ARMY		
KWAJALEIN ATOLL		
UNACCOMPANIED PERSONNEL HOUSING RENOVATION.....	18,000	---
PUERTO RICO		
ARMY		
FORT BUCHANAN		
CHILD DEVELOPMENT CENTER.....	---	3,700
DEFENSE-WIDE		
ROOSEVELT ROADS NAVAL STATION		
BOAT MAINTENANCE FACILITY.....	1,241	1,241
TOTAL, PUERTO RICO.....	1,241	4,941
SPAIN		
AIR FORCE		
ROTA		
ENHANCE ROTA, VARIOUS FACILITIES.....	5,052	5,052

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TURKEY		
AIR FORCE		
INCIRLIK AIR BASE		
FIRE TRAINING FACILITY.....	1,000	1,000
UNITED KINGDOM		
DEFENSE-WIDE		
ROYAL AIR FORCE MILDENHALL		
REPLACE HYDRANT FUEL SYSTEM.....	10,000	10,000
ROYAL AIR FORCE FELTWELL		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	1,287	1,800
ROYAL AIR FORCE LAKENHEATH		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	3,086	5,650
TOTAL, UNITED KINGDOM.....	14,373	17,450
NATO		
NATO SECURITY INVESTMENT PROGRAM.....	190,000	172,000
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION.....	22,600	22,600
UNSPECIFIED MINOR CONSTRUCTION.....	15,000	20,700
PLANNING AND DESIGN.....	72,106	86,706
CLASSIFIED PROJECT.....	11,500	11,000
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-635
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	63,335	73,335
UNSPECIFIED MINOR CONSTRUCTION.....	7,659	11,659
GENERAL REDUCTION.....	---	-20,000
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-2,889
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
UNSPECIFIED MINOR CONSTRUCTION.....	9,850	11,350
PLANNING AND DESIGN.....	54,237	74,628
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
ENERGY CONSERVATION IMPROVEMENT PROGRAM.....	33,570	15,000
CONTINGENCY CONSTRUCTION.....	10,000	6,000
GENERAL REDUCTION (CHEMICAL DEMILITARIZATION).....	---	-20,000
NMD INITIAL DEPLOYMENT FACILITIES (PHASE I).....	85,095	85,095

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, ARMY		
ALASKA		
FORT WAINWRIGHT (75 UNITS).....	---	24,000
ARIZONA		
FORT HUACHUCA (110 UNITS).....	16,224	16,224
CALIFORNIA		
FORT IRWIN (24 UNITS).....	---	4,700
HAWAII		
SCHOFIELD BARRACKS (72 UNITS).....	15,500	15,500
KENTUCKY		
FORT CAMPBELL (56 UNITS).....	7,800	7,800
FORT CAMPBELL (128 UNITS).....	---	20,000
MARYLAND		
FORT DETRICK (48 UNITS).....	5,600	5,600
MISSOURI		
FORT LEONARD WOOD (24 UNITS).....	---	4,150
NORTH CAROLINA		
FORT BRAGG (112 UNITS).....	14,600	14,600
FORT BRAGG (48 UNITS).....	---	7,400
SOUTH CAROLINA		
FORT JACKSON (1 UNIT).....	250	250
TEXAS		
FORT BLISS (64 UNITS).....	10,200	10,200
VIRGINIA		
FORT LEE (52 UNITS).....	---	8,600
KOREA		
CAMP HUMPHREYS (60 UNITS).....	21,800	21,800
PUERTO RICO		
FORT BUCHANAN (31 UNITS).....	---	5,000
CONSTRUCTION IMPROVEMENTS.....	63,590	63,590
PLANNING AND DESIGN.....	6,542	6,542
SUBTOTAL, CONSTRUCTION.....	162,106	235,956
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT.....	44,374	44,374
MANAGEMENT ACCOUNT.....	90,286	83,715
SERVICES ACCOUNT.....	44,855	44,855
UTILITIES.....	198,101	198,101
MISCELLANEOUS.....	855	855
LEASING.....	202,011	202,011
MAINTENANCE.....	397,792	397,792
INTEREST PAYMENT.....	1	1
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-19,911
SUBTOTAL, OPERATION AND MAINTENANCE.....	978,275	951,793
TOTAL, FAMILY HOUSING, ARMY.....	1,140,381	1,187,749

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-7,115
PLANNING AND DESIGN		
TRI-CARE MANAGEMENT ACTIVITY.....	22,000	22,000
DEFENSE INTELLIGENCE AGENCY.....	6,786	6,786
DEFENSE LEVEL ACTIVITIES.....	24,000	24,000
OFFICE OF SECRETARY OF DEFENSE.....	2,900	1,800
SPECIAL OPERATIONS COMMAND.....	3,790	3,790
BALLISTIC MISSILE DEFENSE ORGANIZATION.....	14,729	14,729
DEFENSE THREAT REDUCTION AGENCY.....	2,600	2,600
DEFENSE LOGISTICS AGENCY.....	1,800	1,800
SUBTOTAL, PLANNING AND DESIGN.....	78,605	77,505
UNSPECIFIED MINOR CONSTRUCTION		
TRI-CARE MANAGEMENT ACTIVITY.....	3,000	3,000
BALLISTIC MISSILE DEFENSE ORGANIZATION.....	3,694	3,694
DEFENSE FINANCE AND ACCOUNTING SERVICE.....	1,500	1,500
JOINT CHIEFS OF STAFF.....	6,196	6,196
DEFENSE LEVEL ACTIVITIES.....	3,000	3,000
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION....	17,390	17,390
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	4,232	24,779
UNSPECIFIED MINOR CONSTRUCTION.....	2,295	12,775
UNSPECIFIED MINOR-WMDCST.....	---	25,000
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
UNSPECIFIED MINOR CONSTRUCTION.....	4,000	8,000
PLANNING AND DESIGN.....	9,119	20,419
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	6,400	11,900
UNSPECIFIED MINOR CONSTRUCTION.....	1,917	2,617
NAVY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	1,521	3,721
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	2,304	3,304
UNSPECIFIED MINOR CONSTRUCTION.....	4,115	4,115
TOTAL, WORLDWIDE UNSPECIFIED.....	516,850	578,959
WORLDWIDE VARIOUS		
NAVY		
VARIOUS LOCATIONS		
HOST NATION INFRASTRUCTURE SUPPORT.....	142	142

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, NAVY AND MARINE CORPS		
CALIFORNIA		
LEMOORE NAVAL AIR STATION (160 UNITS).....	27,768	27,768
LEMOORE NAVAL AIR STATION (100 UNITS).....	---	20,103
TWENTYNINE PALMS (79 UNITS).....	13,923	13,923
HAWAII		
PEARL HARBOR NAVAL COMPLEX (98 UNITS).....	22,230	22,230
PEARL HARBOR NAVAL COMPLEX (62 UNITS).....	14,237	14,237
PEARL HARBOR NAVAL COMPLEX (112 UNITS).....	23,654	23,654
KANEOHE BAY MARINE CORPS BASE (84 UNITS).....	21,910	21,910
LOUISIANA		
NEW ORLEANS NAVAL COMPLEX (100 UNITS).....	---	5,000
MAINE		
BRUNSWICK NAVAL AIR STATION (168 UNITS).....	18,722	18,722
MISSISSIPPI		
GULFPORT NAVAL CONSTR BATTALION CENTER (157 UNITS)..	---	20,700
WASHINGTON		
WHIDBEY ISLAND NAVAL AIR STATION (98 UNITS).....	16,873	16,873
CONSTRUCTION IMPROVEMENTS.....	183,547	193,077
PLANNING AND DESIGN.....	19,958	19,958
SUBTOTAL, CONSTRUCTION.....	362,822	418,155
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT.....	30,884	30,884
MANAGEMENT ACCOUNT.....	84,914	84,914
SERVICES ACCOUNT.....	63,953	63,953
UTILITIES.....	165,057	165,057
MISCELLANEOUS.....	1,239	1,239
LEASING.....	142,690	142,690
MAINTENANCE.....	393,830	393,830
MORTGAGE INSURANCE PREMIUMS.....	71	71
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-1,071
SUBTOTAL, OPERATION AND MAINTENANCE.....	882,638	881,567
TOTAL, FAMILY HOUSING, NAVY AND MARINE CORPS....	1,245,460	1,299,722

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, AIR FORCE		
CALIFORNIA		
EDWARDS AFB (57 UNITS).....	---	9,870
TRAVIS AFB (64 UNITS).....	---	9,870
DISTRICT OF COLUMBIA		
BOLLING AFB (136 UNITS).....	17,137	17,137
IDAHO		
MOUNTAIN HOME AFB (46 UNITS).....	---	10,598
NEVADA		
NELLIS AFB (26 UNITS).....	---	5,000
NORTH DAKOTA		
CAVALIER (2 UNITS).....	443	443
MINOT AFB (134 UNITS).....	19,097	19,097
CONSTRUCTION IMPROVEMENTS.....	174,046	174,046
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-6,839
PLANNING AND DESIGN.....	12,760	12,760
SUBTOTAL, CONSTRUCTION.....	223,483	251,982
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT.....	38,180	38,180
MANAGEMENT ACCOUNT.....	55,685	55,685
SERVICES ACCOUNT.....	27,997	27,997
UTILITIES.....	158,959	158,959
MISCELLANEOUS.....	2,332	2,332
LEASING.....	114,628	114,628
MAINTENANCE.....	428,456	428,456
MORTGAGE INSURANCE PREMIUMS.....	34	34
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-5,392
SUBTOTAL, OPERATION AND MAINTENANCE.....	826,271	820,879
TOTAL, FAMILY HOUSING, AIR FORCE.....	1,049,754	1,072,861

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, DEFENSE-WIDE		
OPERATION AND MAINTENANCE		
SERVICES ACCOUNT (NSA).....	415	415
SERVICES ACCOUNT (DLA).....	77	77
LEASING (NSA).....	12,554	12,554
LEASING (DLA).....	25,924	25,924
MAINTENANCE OF REAL PROPERTY (NSA).....	653	653
MAINTENANCE OF REAL PROPERTY (DLA).....	316	316
FURNISHINGS ACCOUNT (NSA).....	146	146
FURNISHINGS ACCOUNT (DLA).....	3,564	3,564
FURNISHINGS ACCOUNT (DLA).....	22	22
UTILITIES ACCOUNT (NSA).....	444	444
UTILITIES ACCOUNT (DLA).....	421	421
MANAGEMENT ACCOUNT (NSA).....	15	15
MANAGEMENT ACCOUNT (DLA).....	271	271
MISCELLANEOUS (NSA).....	64	64
TOTAL, FAMILY HOUSING, DEFENSE-WIDE.....	44,886	44,886
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV.....	1,174,369	1,024,369
GENERAL PROVISIONS		
GENERAL PROVISION (SEC. 125).....	---	-100,000
GENERAL PROVISION (SEC. 132).....	---	-83,000
GRAND TOTAL.....	8,033,908	8,833,908

CONFERENCE TOTAL—WITH COMPARISONS
The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]	
New budget (obligational) authority, fiscal year 2000	\$8,374,000
Budget estimates of new (obligational) authority, fiscal year 2001	8,033,908
House bill, fiscal year 2001	8,634,000
Senate bill, fiscal year 2001	8,634,000
Conference agreement, fiscal year 2001	8,833,908
Conference agreement compared with: New budget (obligational) authority, fiscal year 2000	+459,908

Budget estimates of new (obligational) authority, fiscal year 2001 +800,000
House bill, fiscal year 2001 +199,908
Senate bill, fiscal year 2001 +199,908
DIVISION B—FISCAL YEAR 2000
SUPPLEMENTAL APPROPRIATIONS
Report language included by the House in the report accompanying H.R. 3908 (H. Rept. 106-521) which is not changed by the Senate in the report accompanying S. 2522 (S. Rept. 106-291), and the report accompanying S. 2536 (S. Rept. 106-288), and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

[In thousands of dollars]

	Request	House	Senate	Conference
Natural Disaster Damage:				
Operation and Maintenance, Army	0	19,532	23,883	23,883
Operation and Maintenance, Navy	0	20,565	20,565	20,565
Operation and Maintenance, Marine Corps	0	37,155	37,155	37,155
Operation and Maintenance, Air Force	0	30,065	38,065	38,065
Operation and Maintenance, Defense-Wide	27,400	0	0	0
Operation and Maintenance, Army Reserve	0	2,174	2,174	2,174
Operation and Maintenance, Army National Guard	0	2,851	2,851	2,851
Defense Health Program	0	3,533	3,533	3,533
Total	27,400	115,875	128,226	128,226
Overseas Contingency Operations and other requirements:				
Operation and Maintenance, Defense-Wide	40,000	40,000	40,000	40,000
Overseas Contingency Operations Transfer Fund	2,050,400	2,050,400	1,850,400	2,050,400
Aircraft Procurement, Air Force	73,000	73,000	73,000	73,000
Total	2,163,400	2,163,400	1,963,400	2,163,400
Grand Total	2,190,800	2,279,275	2,091,626	2,291,626

CLASSIFIED PROGRAMS
In conjunction with the submission of the fiscal year 2001 budget request, the President requested fiscal year 2000 emergency supplemental appropriations for a number of classified activities. In addition, on May 18, 2000, the Director of the Office of Management and Budget forwarded to the Congress a classified request regarding proposed fiscal year 2000 funding adjustments in support of counter-terrorism activities. The conferees' recommendations regarding these requests are summarized in a classified annex to this statement of managers.
SHARED RECONNAISSANCE POD (SHARP)

The conferees agree with the House language concerning the synthetic aperture radar (SAR) project within the SHARP program. The conferees do not agree to the House language regarding enhancements to the TARPS-CD system to meet future fleet operational requirements.

GENERAL PROVISIONS, THIS CHAPTER
The conferees agree to retain section 101, as proposed by the House, which provides the Department of Defense authority to pay service members Basic Allowance for Housing at the rates in effect on December 31, 1999 during fiscal year 2000.
The conferees agree to retain section 102, as proposed by the House, which provides \$1,556,200,000 in emergency appropriations for the "Defense-Wide Working Capital Fund" due to increases in the price of bulk fuel.
The conferees agree to retain and amend section 103, as proposed by the House, and provide \$90,000,000 in new appropriations for tactical aviation shortfalls identified by the Air Force during execution of the fiscal year 2000 budget. These funds are fully offset by rescissions in section 123 of this chapter.
The conferees agree to retain and amend section 104, as proposed by the House, and provide \$163,700,000 in new appropriations for

[In thousands of dollars]

	DHP funding	House	Senate	Conference
TRICARE:				
Claims		854.5		615.6
FY 98		(34.6)		(34.6)
FY 99		(55.7)		(55.7)
FY 00		(297.3)		(297.3)
FY 01		(238.9)		
Other Requirements		(228.0)		(228.0)
Additional DHP Requirements		750.0	695.9	695.9
Total, Defense Health Program		1,604.5	695.9	1,311.5

The conferees continue to be concerned about violations of the Department's financial regulations and potential violations of the Anti-Deficiency Act in the administration and execution of the TRICARE program. Therefore, the conferees direct the DoD Inspector General, in coordination with the General Accounting Office (GAO), to conduct an investigation into the execution and administration of DHP funds. The investigation should examine: possible violations of the Anti-Deficiency Act; evasion of DoD fi-

nancial regulations; and the overall management of the TRICARE program. The conferees further direct the Department to provide a report to the congressional defense committees within sixty days after the enactment of this Act regarding the extent and scope of any violations of fiscal law or departmental regulations.
The conferees agree to retain and amend section 108, as proposed by the House, which provides \$27,000,000 in emergency appropria-

TITLE I—KOSOVO AND OTHER NATIONAL SECURITY MATTERS
CHAPTER 1
DEPARTMENT OF DEFENSE—MILITARY CONTINGENCY OPERATIONS AND OTHER REQUESTED FUNDING

The President requested \$2,190,800,000 in emergency supplemental appropriations for the unfunded fiscal year 2000 costs of overseas contingency operations, damages sustained at Department of Defense facilities resulting from natural disasters, and other requirements. The conferees recommend \$2,291,626,000 in emergency supplemental appropriations to meet these needs, as detailed by category and the applicable appropriations accounts in the following table.

procurement of M1A2 tank upgrades. This amount includes \$125,000,000 as recommended in the House-passed bill and an additional \$38,700,000 as proposed in DoD reprogramming request FY 00-21PA. The reprogramming request is hereby denied as it has been obviated by this Act. These funds are fully offset by rescissions in section 123 of this chapter.
The conferees agree to retain and amend section 105 and 106, as proposed by the House, and recommend \$615,600,000 in emergency appropriations and requisite legal authority to cover unfunded requirements of the Defense Health Program, including TRICARE claims for fiscal years 1998, 1999, and 2000. The conferees also agree to retain section 107, as proposed by the Senate, which provides \$695,900,000 in emergency appropriations for additional unfunded requirements of the Defense Health Program.

tions for the Basic Allowance for Housing program.
The conferees agree to retain and amend section 109, as proposed by the House, which provides \$357,288,000 in emergency appropriations to address shortfalls in military personnel, recruiting, advertising, and retention

programs. The conferees direct that of the amount provided in this section, \$73,826,000 in the military personnel accounts and \$80,062,000 in the operation and maintenance accounts shall be immediately available for obligation to meet requirements identified by the Under Secretary of Defense (Comptroller) in his June 12, 2000 submission of DD Form 1415-1 to the congressional defense committees. The remaining funds, shown below by appropriations account, shall be withheld from obligation until 30 days following written notification to the Committees on Appropriations regarding the proposed specific distribution of funds by the Department:

Military Personnel, Army	\$71,000,000
Military Personnel, Navy ..	23,500,000
Military Personnel, Marine Corps	4,000,000
Military Personnel, Air Force	7,500,000
Reserve Personnel, Army ..	12,400,000
National Guard Personnel, Army	12,000,000
Operation and Maintenance, Army	15,000,000
Operation and Maintenance, Marine Corps	8,100,000
Operation and Maintenance, Air Force	8,200,000
Operation and Maintenance, Army Reserve	12,000,000
Operation and Maintenance, Navy Reserve	6,700,000
Operation and Maintenance, Marine Corps Reserve	2,000,000
Operation and Maintenance, Air Force Reserve	4,000,000
Operation and Maintenance, Army National Guard	12,000,000
Operation and Maintenance, Air National Guard	5,000,000

The conferees agree to retain and amend section 110, as proposed by the House (and by the Senate in an appropriations paragraph), which provides \$220,000,000 in emergency appropriations for "Operation and Maintenance, Navy", only for the unfunded backlog of ship depot maintenance that has emerged in execution of the fiscal year 2000 ship depot maintenance program.

The conferees agree to retain and amend section 111, as proposed by the House, which provides \$503,900,000 in emergency appropriations to meet urgent, unfunded requirements in support of deployed forces, as follows:

[In thousands of dollars]

Operation and Maintenance, Navy (emergent costs in aircraft operations and maintenance)	20,000
Operation and Maintenance, Air Force (emergent logistics support shortfalls)	41,900
Operation and Maintenance, Defense-Wide (classified)	10,000
Operation and Maintenance, Air National Guard (emergent DLR shortage-Model Fly)	24,100
Aircraft Procurement, Army (Apache safety modifications) ..	25,000
Aircraft Procurement, Navy	52,800
(CH-46 engine safety modifications: \$27,000)	
(EP-3 sensor improvements and modifications: 25,800)	
Aircraft Procurement, Air Force (U-2 aircraft sensor improvements and modifications: \$111,600)	212,700
(U-2 trainer: 14,000)	
(RC-135 Rivet Joint flight aircrew and mission trainers: 37,500)	
(Compass Call mission crew trainer: 23,700)	
(C-17 weapon system trainer: 14,900)	
(C-17 maintenance system trainer: 11,000)	
Other Procurement, Air Force (classified)	41,400
Procurement, Defense-Wide (classified)	13,000
Research, Development, Test and Evaluation, Army (WARSIMS) ..	5,000
Research, Development, Test and Evaluation, Defense-Wide (classified)	58,000

The conferees agree to retain and amend section 112, as proposed by the Senate, which provides \$7,000,000 in new appropriations for biometrics information assurance programs. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 113, as proposed by the Senate, which provides \$125,000,000 in emergency appropriations to meet unfunded requirements for the Patriot missile program. Of this amount, not less than \$50,000,000 shall be available for the Patriot Reliability Enhancement Program and \$75,000,000 shall be made available only for the Patriot Advanced Capability-3 (PAC-3) program. The conferees believe that completing the full qualification of the PAC-3 missile against air breathing targets is es-

sential. The conferees direct that the \$75,000,000 provided for the PAC-3 program may be transferred to the appropriate account to complete testing against aircraft and cruise missile targets, to maintain a robust countermeasure capability, to improve the producibility of the missile, and to purchase additional missiles.

The conferees agree to retain and amend section 114, as proposed by the Senate, which appropriates \$300,000 only for the Walking Shield program. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 115, as proposed by the Senate, which provides \$61,500,000 in emergency appropriations for operations in East Timor and Mozambique.

The conferees agree to retain section 116, as proposed by the Senate, which transfers previously-appropriated "Operation and Maintenance, Defense-Wide" funds for environmental response actions.

The conferees agree to retain and amend section 117, as proposed by the Senate, which provides \$8,000,000 in new appropriations in support of the 2002 Olympic and Paralympic Winter Games. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 118, as proposed by the Senate, which directs the Ballistic Missile Defense Organization to notify the congressional defense committees prior to issuing certain types of information or proposal solicitation under the National Missile Defense program.

The conferees agree to retain section 119, as proposed by the Senate, regarding the disposition of a Navy drydock.

The conferees agree to retain section 120, as proposed by the Senate, which amends United States Code concerning the Challenge Youth Program.

The conferees to retain section 121, as proposed by the Senate, regarding the use of DoD facilities as official polling places.

The conferees agree to retain and amend section 122, as proposed by the Senate, which amends Section 8114 of the Department of Defense Appropriations Act, 1999 concerning the Marine Corps aircraft accident near Cavalese, Italy, and makes funding provided in that Act applicable to SOFA claims.

The conferees agree to a new general provision, section 123, which rescinds \$288,611,000 of prior year appropriations, comprised of programs whose obligational authority will lapse at the end of the current fiscal year. The specific programs and the amounts rescinded are as follows:

Fiscal year and account	Program	Amount
1989—Shipbuilding and Conversion, Navy	DDG-51 destroyer	\$9,100,000
1989—Shipbuilding and Conversion, Navy	T-AO fleet oiler	6,645,000
1989—Shipbuilding and Conversion, Navy	T-AGOS surveillance ship	3,420,000
1989—Shipbuilding and Conversion, Navy	Outfitting and Post Delivery	1,293,000
1999—Research, Development, Test and Evaluation, Air Force	Darkstar UAV	7,000,000
2000—Military Personnel, Army	Pay and Allowances of Enlisted	98,700,000
2000—Military Personnel, Navy	Pay and Allowances of Officers	23,527,000
2000—Military Personnel, Navy	Pay and Allowances of Enlisted	25,600,000
2000—Military Personnel, Air Force	Pay and Allowances of Officers	12,000,000
2000—Military Personnel, Air Force	Pay and Allowances of Enlisted	44,000,000
2000—Military Personnel, Air Force	PCS Travel	26,000,000
2000—Reserve Personnel, Air Force	Unit and Individual Training	4,500,000
2000—National Guard Personnel, Army	Unit and Individual Training	24,826,000
Total		288,611,000

The conferees agree to retain section 124, as proposed by the House and the Senate, which provides authorization for certain intelligence related activities.

The conferees agree to retain section 125, as proposed by the House and the Senate, which repeals sections 8175 and 8176 of the Fiscal Year 2000 Department of Defense Appropriations Act (as amended by Public Law 106-113) concerning prompt payments and progress payments.

The conferees agree to a new general provision, section 126, concerning the designation of emergency appropriations in this chapter by the Congress and the President.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement includes \$1,500,000 for the Corps of Engineers to conduct a study of the need for additional flood protection in Princeville, North Carolina, and \$2,000,000 for the Corps of Engineers to

resume engineering and design of an outlet at Devils Lake, North Dakota.

The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, GENERAL

The conferees have provided \$3,000,000 to initiate construction of the Johnson Creek, Arlington, Texas, project substantially in accordance with the Interim Feasibility Report dated March 1999. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

The conferees have included \$200,000 to carry out dredging of Saxon Harbor, Wisconsin, necessitated by low water levels in the Great Lakes. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conference agreement includes \$600,000 for the Lewis and Clark Rural Water System project in South Dakota. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

The conference agreement appropriates \$96,500,000 for Weapons Activities instead of \$55,000,000 as proposed by the House and \$221,000,000 as proposed by the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Production plants.—The conference agreement includes \$25,000,000 for the Y-12 Plant in Oak Ridge Tennessee; \$11,000,000 for the Kansas City Plant in Missouri; and \$7,500,000 for the Pantex Plant in Amarillo, Texas. This funding will be used to address critical workforce and required infrastructure improvements at the three production facilities.

Weapons laboratories.—The conference agreement includes \$5,000,000 for the Los Alamos National Laboratory and \$14,000,000 for the Sandia National Laboratory to address workforce issues and infrastructure improvements.

Transportation Safeguards Division.—The conference agreement includes \$10,000,000 for the Transportation Safeguards Division for fleet upgrades.

Other weapons sites.—The conference agreement includes \$1,500,000 for the Savannah River Site for infrastructure improvements and \$2,500,000 for construction of the Uih shaft to enhance worker safety at the Nevada Test Site.

Cyber Security.—The conference agreement includes \$20,000,000 for cyber security upgrades at the nuclear weapons complex. The conferees direct the National Nuclear Security Administration (NNSA) to perform planning, analysis, testing and evaluation necessary to develop the highest value alternatives for improving cyber security throughout the nuclear weapons complex.

The NNSA should submit to Congress by January 15, 2001, a detailed plan with estimated costs and schedules for a reasonable program that defends the highest value targets.

OTHER DEFENSE ACTIVITIES

The conference agreement appropriates \$38,000,000 for Other Defense Activities instead of \$63,000,000 as proposed by the House and \$12,000,000 as proposed by the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Highly Enriched Uranium Blend Down Project.—The conference agreement includes statutory language proposed by the House authorizing the Department to initiate design of the Highly Enriched Uranium Blend Down Project at the Savannah River Site.

Office of Security and Emergency Operations.—The conference agreement provides \$3,000,000 to support critical staffing needs in the office of security and emergency operations.

Cyber Security.—The conference agreement provides \$25,000,000 for cyber security needs under the direction of the Chief Information Officer. Funding of \$20,000,000 is to address unclassified cyber security systems and security needs in the corporate management information systems. Funding of \$5,000,000 has been provided for the Office of Intelligence/Special Technologies Program to develop and enhance unique capabilities and technologies within the Department's laboratory complex for the protection and exploitation of information and related infrastructure systems for the Department and other critical, national-level missions.

Environment, Safety and Health.—The conference agreement includes \$10,000,000 to accelerate projects which have been initiated to address worker health and safety concerns at the Paducah, Kentucky, and Portsmouth, Ohio, gaseous diffusion plants.

ENERGY PROGRAMS

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement appropriates \$58,000,000 for the Uranium Enrichment Decontamination and Decommissioning Fund as proposed by the Senate instead of \$16,000,000 as proposed by the House. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conference agreement includes \$16,000,000 as proposed by the Administration to accelerate environmental cleanup at the Paducah, Kentucky, and Portsmouth, Ohio, gaseous diffusion plants.

The conference agreement includes \$42,000,000 as proposed by the Senate for reimbursements to uranium and thorium licensees under Title X of the Energy Policy Act of 1992.

SCIENCE

The conference agreement includes report language proposed by the House directing the Department to develop a plan outlining the cost, scope, and schedule for decontaminating and decommissioning the High Flux Beam Reactor at the Brookhaven National Laboratory in New York.

GENERAL PROVISIONS—THIS CHAPTER

Corps of Engineers Reorganization.—The conference agreement does not include language proposed by the Senate regarding management reforms of the U.S. Army Corps of Engineers. However, the conferees are extremely concerned about the management

reforms initially imposed upon the Corps of Engineers in March of this year by the Secretary of the Army and subsequently suspended due to lack of adequate and appropriate coordination and consultation with the Congress. It is the conferees' strong conviction and expectation that any such management reforms, if yet contemplated by the Administration, will have full benefit of consultation with the Congress in developmental stages and prior to implementation.

In recent months, actions by Administration officials, as manifested by the proposed management reforms and other public pronouncements, suggest premature conclusions and findings may have been reached regarding as yet unsubstantiated allegations of wrongdoing by Corps of Engineers officials related to studies and initiatives for maintaining and providing the Nation's water resources infrastructure. Results of on-going investigations related to these charges must be made available and considered before any reforms are contemplated. Any actions carried out by the Administration to change the existing management and oversight structure and existing delegations and functions involving the Corps of Engineers without prior and satisfactory coordination with the Congress will not be received favorably and may cause the Congress to revisit this issue and undertake an appropriate response.

Waste Isolation Pilot Plant.—The conference agreement includes statutory language proposed by the Senate providing that funds in this or any other Act and hereafter may not be used to pay on behalf of the United States or a contractor or subcontractor of the United States for posting a bond or fulfilling any other financial responsibility requirement relating to the closure or post-closure care and monitoring of the Waste Isolation Pilot Plant in New Mexico.

Central Arizona Project.—The conference agreement includes a provision proposed by the Senate which states none of the funds provided in this or any other Act may be used to further reallocate Central Arizona Project water or to prepare an Environmental Assessment, Environmental Impact Statement, or Record of Decision providing for a reallocation of Central Arizona Project water until Congress enacts legislation authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for delivery of Central Arizona Project water.

Congressional Direction.—The conference agreement includes statutory language directing that funds provided in Public Law 106-60 and prior Energy and Water Development Appropriations Acts be made available for the specified institutions and purposes.

Nuclear Regulatory Commission.—The conference agreement includes statutory language proposed by the House providing that no funds appropriated in fiscal year 2000 to the Nuclear Regulatory Commission (NRC) may be used to relocate, or to plan or prepare for the relocation of, the functions or personnel of the Technical Training Center from its location in Chattanooga, Tennessee. The conference agreement extends the language to fiscal year 2001.

CHAPTER 3

MILITARY CONSTRUCTION

GENERAL PROVISIONS, THIS CHAPTER

Section 301. Recommends \$19,048,000 as a contingent emergency for military construction and family housing due to storm related damage.

Section 302. Recommends \$1,000,000 as a contingent emergency for Military Construction, Defense-wide, to augment the Corps of Engineers' planning and design work associated with the National Missile Defense system.

Section 303. Provides \$35,000,000 for the acquisition of land at Blount Island, Florida and rescinds \$35,000,000 of funds provided in the Military Construction Appropriations Act, 1996 (Public Law 104-32).

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

COAST GUARD

The conference agreement provides \$700,000,000 in supplemental appropriations for the U.S. Coast Guard, including \$655,000,000 designated as contingent emergency funding. The conference agreement requires a Presidential declaration before any of the emergency funding is available for obligation.

OPERATING EXPENSES

The conference agreement includes an emergency appropriation of \$77,000,000 for Coast Guard "Operating expenses", instead of \$264,446,000 as proposed by the Senate and \$37,000,000 as proposed by the House. The funds are made available until September 30, 2001, and are only available upon designation by the President of an emergency requirement. The conference agreement allocates these funds in the manner recommended by the Secretary of Transportation and the Commandant of the Coast Guard, as shown below:

Activity	Amount
Health care	\$18,000,000
Basic allowance for housing	15,000,000
Military pay	5,000,000
Cost of living increases in high cost areas	2,000,000
Recruiting/retention bonuses	15,000,000
Hurricane-damaged facilities	8,000,000
Operational fuel/unit level readiness	13,000,000
Fixed wing aviator retention bonuses	1,000,000
Total	77,000,000

The conferees note that some of these funding requirements relate to changed military personnel entitlements enacted in the fiscal year 2000 National Defense Authorization Act. The Coast Guard had adequate time to advise the Appropriations Committees of these costs prior to conference on the fiscal year 2000 Department of Transportation and Related Agencies Appropriations Bill, and to include them in the fiscal year 2001 budget estimate. In the future, the conferees expect the Coast Guard to ensure timely update of its budget estimates, to avoid the need for supplemental appropriations.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes an emergency appropriation of \$578,000,000 for acquisition of Coast Guard capital assets. The funding is to remain available until expended and is to be distributed as follows:

Project	Amount
C-130J long range maritime patrol aircraft	\$468,000,000
Great Lakes icebreaker replacement	110,000,000
Total	578,000,000

C-130 aircraft.—The conference agreement includes \$468,000,000, as proposed by the Senate, for acquisition of six C-130J long-range maritime patrol aircraft as authorized under section 812(b) of the Western Hemisphere Drug Elimination Act (P.L. 105-277). These aircraft are capable of defense requirements and other Coast Guard missions. The conference agreement specifies that this acquisition shall not influence the procurement strategy, program requirements, or downselect decision pertaining to the Deepwater Capability Replacement Project, as proposed by the Senate.

Great Lakes icebreaker replacement.—The conference agreement includes \$110,000,000 for the Great Lakes icebreaker replacement. These funds will support the costs of design, construction, inspection, validation, testing and project administration associated with acquisition of a new multi-purpose icebreaker to replace the USCGC *Mackinaw*. After 55 years of service, the *Mackinaw* has escalating operating and maintenance costs and declining reliability, and is scheduled to be decommissioned in 2006. New construction of a vessel designed to perform heavy icebreaking and maintain floating aids-to-navigation will expand the efficiency and reliability of Coast Guard operations in the Great Lakes.

CHAPTER 5

GENERAL PROVISIONS—THIS TITLE

Section 501. The conference agreement appropriates \$25,000,000 for the Agency for International Development, "International Disaster Assistance" for rehabilitation and reconstruction assistance for Mozambique, Madagascar, and southern Africa, to remain available until expended. The entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only to the extent an official budget request that includes designation of the entire amount as an emergency requirement is transmitted by the President to the Congress.

Section 502. The conference agreement appropriates \$50,000,000 for "Assistance for Eastern Europe and the Baltic States" to remain available until September 30, 2001. These funds shall only be available for assistance for Montenegro and Croatia, and not to exceed \$12,400,000 for assistance for Kosovo for police activities. The entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and is subject to the regular notification procedures of the Committees on Appropriations.

TITLE II—NATURAL DISASTER ASSISTANCE AND OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

The conference agreement includes an additional \$1,350,000 for implementation of the Livestock Mandatory Price Reporting Act of 1999. This amount will offset additional costs to USDA agencies to implement this Act. Unfunded agency requirements include: \$550,000 for the Economic Research Service; \$200,000 for the Foreign Agricultural Service; \$400,000 for the National Agricultural Statistics Service; and \$200,000 for the Grain Inspection, Packers and Stockyards Administration. Although the \$4,700,000 in implementation funding sought by the Administration for fiscal year 2000 was provided by Public Law 106-113, these funds have not been distributed among all agencies responsible for administration of this Act.

The conferees note that language contained in Public Law 106-78 requires that the Department of Agriculture obtain Congressional approval before funds for the common computing environment can be spent. The conferees hereby approve those funds for obligation.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement includes an additional \$77,560,000, to remain available until expended, as proposed by the House, instead of \$39,000,000 as proposed by the Senate. Of this amount, \$26,237,000 is to support temporary staff; \$12,865,000 is for Pigford consent decree expenses; and \$38,458,000 is for information technology expenses requirements.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUNDS PROGRAM ACCOUNT

The conference agreement includes an additional \$15,872,000 in budget authority for an estimated loan level of \$40,000,000 for Section 515 rental housing, as proposed by the House and Senate.

RENTAL ASSISTANCE PROGRAM

The conference agreement includes an additional \$13,600,000 for the Rental Assistance Program, as proposed by the House and Senate.

GENERAL PROVISIONS—THIS CHAPTER

Section 2101. The conference agreement includes language that makes up to \$81,000,000 of Commodity Credit Corporation funds available to be used to forgive loans to producer-owned associations or producers that suffered losses from natural disasters, as proposed by the House and Senate.

Section 2102. The conference agreement provides authority for the Secretary of Agriculture to use Commodity Credit Corporation funds to offset the assessment on peanut producers for losses from 1999, as proposed by the Senate.

CHAPTER 2

DEPARTMENT OF JUSTICE

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes \$112,000,000, to remain available until expended, as a contingent emergency appropriation, to be divided equally between the States of Texas, New Mexico, Arizona, and California to reimburse county and municipal governments only for Federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling cases. The use of these funds is limited to court costs, courtroom technology, the building of holding spaces, administrative expenses, and indigent defense costs.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes \$181,000,000, to remain available until expended, as a contingent emergency appropriation, to be deposited into the Telecommunications Carrier Compliance Fund for implementation of the Communications Assistance for Law Enforcement Act (CALEA). The conferees note that narcotics trafficking investigations are increasingly dependent on the use of intercepted communications, accounting for 72% of all court-authorized electronic surveillance actions. As criminal organizations utilize advanced technologies to elude law enforcement, U.S. law enforcement's current drug intelligence and investigative capabilities have been eroded. Therefore, the conference agreement includes funding to implement CALEA to correct this problem to ensure these capabilities are maintained in accordance with current statutory requirements and deadlines.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes \$2,000,000, as a contingent emergency appropriation, for grants to Indian reservations

and counties with populations under 150,000 that are located in Arizona and are adjacent to the United States-Mexico border. Funds are to be allocated in proportion to the population of each eligible county and Indian reservation.

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

The conference agreement includes \$55,800,000, as an emergency appropriation, to remain available until expended. This amount provides for planning assistance, public works grants, and capitalization of revolving loan funds to assist in the recovery efforts of communities impacted by Hurricane Floyd and other recent disasters. Of this amount, \$30,000,000 is provided as a contingent emergency to be provided to assist communities in New Jersey impacted by Hurricane Floyd. The conferees direct EDA to submit a spending plan for the amounts provided prior to the release of these funds.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes \$30,700,000, as an emergency appropriation, to remain available until expended, of which \$13,300,000 is provided as a contingent emergency appropriation. Of this amount, \$10,800,000 is provided as an emergency appropriation to assist fishermen impacted by Hurricanes Floyd, Dennis, George, and Mitch. In addition, a total of \$13,900,000 is included to provide relief from the recent disaster in the Long Island Sound lobster fishery, of which \$7,300,000 is provided as a contingent emergency to be divided equally between the States of New York and Connecticut, not less than \$3,650,000 for each State, for the following purposes: (1) to pay compensation to individuals for reductions in the number of lobsters caught in the Long Island Sound lobster fishery in the 1999 fishing season, as compared to such catch in the 1998 fishing season as a result of the lobster fishery disaster; (2) to provide direct sustaining aid to fishermen; and (3) to provide assistance to communities that are dependent on such fishery and have suffered losses from such disaster. The remaining funds provided for the Long Island Sound lobster fishery disaster are available for research into the causes of the disaster. The conferees expect NOAA to submit a spending plan prior to release of these funds.

The conference agreement also includes \$5,000,000 as a contingent emergency to provide relief from disaster in the West Coast groundfish fishery. The conferees expect that this amount shall be divided between the States of California, Oregon, and Washington in proportion to the impact of the disaster in each State. The amounts provided to these States shall be available for the following purposes: (1) to pay compensation to individuals who have suffered a direct negative impact from the West Coast groundfish fisheries disaster; (2) to provide direct sustaining aid to such fishermen; and (3) to provide assistance to communities that are dependent on the West Coast groundfish fisheries and have suffered losses from such disaster. The conferees direct NOAA to submit a spending plan prior to the release of these funds. The conference agreement also includes \$1,000,000 as a contingent emergency appropriation for repairs to the NOAA hurricane reconnaissance aircraft.

DEPARTMENT OF STATE
INTERNATIONAL COMMISSIONS
AMERICAN SECTIONS, INTERNATIONAL
COMMISSIONS

The conference agreement includes \$2,150,000, to remain available until ex-

pendent, as a contingent emergency appropriation under this account for International Joint Commission activities related to levels and flows of Lake Ontario and the St. Lawrence River.

OTHER

United States Commission on International Religious Freedom

The conference agreement includes \$2,000,000, to remain available until expended, as a contingent emergency appropriation for the activities of the Commission.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes an additional \$15,500,000 in emergency fiscal year 2000 subsidy appropriations for disaster loans for recovery efforts related to Hurricane Floyd, and other natural disasters.

The conference agreement also includes an additional \$25,400,000 in emergency fiscal year 2000 appropriations for direct administrative expenses associated with disaster loan making and servicing activities necessary to carry out the disaster loan program related to Hurricane Floyd and other natural disasters. The conference agreement includes language prohibiting the use of funds for indirect administrative expenses. The conferees note that this additional amount results in a total appropriation of \$141,400,000 for the direct administrative costs of the fiscal year 2000 disaster loan program.

Language is included designating the amounts provided as an emergency requirement, and making these amounts available only to the extent that an official budget request is submitted requesting that these specific amounts be designated as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

Section 2201. The conference agreement includes emergency assistance for the Pribilof Island and East Aleutian area of the Bering Sea crab fishery for payment of direct assistance to Oregon, Washington, and Alaska fishermen. The conference agreement includes \$10,000,000 as a contingent emergency for the following: (1) \$7,000,000 to allow disaster assistance payments to affected states; (2) \$2,000,000 to determine the cause of the fisheries disaster through a cooperative research effort between the National Marine Fisheries Service and the State of Alaska; and (3) \$1,000,000 for the State of Alaska to develop a plan to restore the crab population.

Section 2202. The conference agreement includes \$10,000,000 as a contingent emergency appropriation for assistance for the Northeast multispecies fishery failure to support a voluntary fishing capacity reduction program.

Section 2203. The conference agreement includes \$7,000,000 as a contingent emergency appropriation to study the long-line interactions with sea turtles in the North Pacific and commercial fishing activities in the Northwest Hawaiian Islands, and provide observer coverage for the Hawaiian long-line fishery.

Section 2204. The conference agreement amends Public Law 101-380, as amended, and inserts a new section 5007 to provide \$5,000,000 as a contingent emergency appropriation to create a new North Pacific Marine Research Institute at the Alaska SeaLife Center to be administered by the North Pacific Research Board.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

The conference agreement provides \$200,000,000 in emergency funding for wildland fire management instead of \$100,000,000 as proposed by the House and by the Senate. Of the amount provided, \$100,000,000 is contingent on receipt of a budget request that includes a Presidential designation of the amount requested as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LAND ACQUISITION

The conference agreement provides \$2,000,000 in emergency funding for land acquisition for the Douglas Tract along the Potomac River in Southern Maryland. Approximately 1,000 acres of undeveloped riverfront land is available from a willing seller. This land is of significant historic value with Native American and Civil War sites. Preservation of the land will also help preserve wildlife habitat and unique wetland areas. The President's budget request for fiscal year 2001 included \$3,000,000 for this purchase. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF SURFACE MINING RECLAMATION AND
ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides \$9,821,000 in emergency funding for regulation and technology as proposed by the Senate instead of no funding as proposed by the House. The funds are for the surface mining regulatory program of the State of West Virginia. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers are concerned that the State of West Virginia lacks sufficient funding and staffing resources to regulate the effects of surface coal mining operations within the State pursuant to the Surface Mining Control and Reclamation Act (SMCRA). Recent litigation and the commencement of a formal review by the office of Surface Mining related to the State's regulatory program demonstrate that unless additional funds and provided immediately, a Federal takeover of these responsibilities may be imminent. If a takeover occurs it will increase the costs to the Federal Government for regulating coal mining in West Virginia and cause major disruptions on the ground. With the additional resources provided in this Act, the State will have the capability to administer an adequate regulatory program to enforce environmental laws and have the necessary tools to perform technical reviews of permit applications effectively and efficiently.

Accordingly, the managers are providing a total of \$9,821,000 to the Office of Surface Mining Reclamation and Enforcement to ensure that the State has adequate funds to carry out its regulatory responsibilities under SMCRA. Of this amount, \$6,222,000 is for the Office of Surface Mining to enter into a cooperative agreement with the West Virginia Division of Environmental Protection to enhance program capabilities, including developing a geospatial database to ensure appropriate geologic and hydrologic sampling, performing watershed modeling, and

other programmatic improvements to ensure the State is able to meet its regulatory requirements under SMCRA.

A total of \$3,599,000 is provided to address the West Virginia Office's staffing deficiencies. These funds are subject to the 50 percent matching requirement of section 705(a) of SMCRA. The managers note that West Virginia operates its program with fewer staff and a smaller budget than surrounding States with similar workloads. The controversy over mountaintop removal mining has been a catalyst for demonstrating weaknesses in the West Virginia regulatory program.

The managers appreciate that the Office of Surface Mining and the State of West Virginia have worked together closely to characterize the deficiencies in the State's regulatory program. The managers expect this close cooperation to continue as the parties address and resolve program deficiencies. The managers direct the Office of Surface Mining, in conjunction with the State, to keep the House and Senate Committees on Appropriations apprised of the efforts made to correct these problems in the State's regulatory program.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

The conference agreement provides \$2,000,000 in emergency funding for the national forest system instead of \$5,759,000 as proposed by the Senate and no funding as proposed by the House. The funds are for storm damage repairs in National Forests in Minnesota and Wisconsin. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILDLAND FIRE MANAGEMENT

The conference agreement provides \$150,000,000 in emergency funding for wildland fire management as proposed by the House instead of \$1,620,000 as proposed by the Senate. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

Section 230. Provides authority for the Indian Health Service to release funds appropriated in fiscal year 1999 for construction of a clinic in King Cove, Alaska as proposed by the Senate. Land owned by the city has been designated for the facility and this language is needed to permit IHS to use that site.

Section 2302. Requires the Secretary of Energy to fund a particulate monitoring program as directed by the Congress in a report accompanying a previous appropriations Act. Funds were made available for this purpose in Public Law 105-277 under the Fossil Energy Research and Development account. The Secretary of Energy has instituted a policy wherein he has to approve any Congressionally identified project prior to the release of funds. This policy has resulted in a bureaucratic morass and prevented the timely initiation of important research. The Secretary of Energy is urged to reexamine this policy.

The conference agreement does not include language proposed by the Senate addressing the designation of land for a jetty and sand transfer system for the Oregon Inlet in North Carolina. The managers will continue to examine this issue and consider it within the context of the fiscal year 2001 appropri-

tions bill for the Department of the Interior and Related Agencies.

Section 2303. Modifies language proposed by the Senate to provide interim compensation for fishermen, crew members, and processors affected by restrictions on Dungeness crab fishing in Glacier Bay National Park, AK. The modification limits these payments to losses incurred in 2000 except for Buy N Pack Seafoods which is eligible for compensation for 1999 and 2000.

CHAPTER 4

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement does not include \$40,000,000 earmarked for Summer Youth Employment as proposed by the Senate and requested by the President.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes a technical change proposed by both the House and Senate to clarify that funds collected by the National Mine Health and Safety Academy for tuition, room, board, and other authorized activities are in addition to the annual appropriation amount.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES

ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement provides \$20,000,000 for abstinence education within "Special projects of regional and national significance;" part of the maternal and child health block grant as proposed by the House. The Senate bill contains no similar provision. The conference agreement also includes a rescission of \$20,000,000 for abstinence education in the Adolescent Family Life program in the Office of the Secretary as proposed by the House. The Senate bill contains no similar provision.

The conference agreement does not include \$100,000,000 in supplemental funding for the Ricky Ray Hemophilia Relief Fund as requested by the Administration.

The conference agreement includes \$3,000,000 within Health Care Facilities and Construction for Little Flower Children's Services in Wading River, New York, for renovation and construction of a children's psychiatric services facility. The agreement designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING (INCLUDING TRANSFERS OF FUNDS)

The conference agreement transfers \$460,000 provided under Health Resources and Services Administration health care facilities construction to the CDC chronic and environmental disease prevention program for a comprehensive cancer control program at the MD Anderson Cancer Center in Houston, TX to address minority and medically underserved populations.

The conference agreement includes \$12,000,000 for international HIV/AIDS funding, available until September 30, 2001, and designated as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. The same amount is rescinded under the Public Health and Social Services Emergency Fund, which was originally made available for one year in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000.

ADMINISTRATION ON CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

The conference agreement provides \$35,000,000 for payments to States for foster care and adoption assistance as proposed by both the House and Senate.

LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement includes \$600,000,000 for the Low Income Home Energy Assistance Program (LIHEAP) emergency fund as proposed by both the House and Senate. The conference agreement also makes these funds available until expended as proposed by the Senate. The House bill makes these funds available for obligation through September 30, 2000. The conference agreement also designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes a provision extending the availability of Refugee and Entrant Assistance funding from two years to three years as proposed by the House. The Senate bill contains no similar provision.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes a provision to extend the availability of funds for the Anchorage, Alaska Senior Citizen's Center as proposed by both the House and Senate.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT (RESCISSION)

The conference agreement includes a rescission of \$20,000,000 for abstinence education in the Adolescent Family Life program in the Office of the Secretary. \$20,000,000 in additional Abstinence Education Funding is provided in the Health Resources and Services Administration.

PUBLIC HEALTH AND SOCIAL SERVICE

EMERGENCY FUND

(RESCISSION)

The conference agreement does not include a rescission of \$163,752,000 as proposed by the President.

The conference agreement rescinds \$31,200,000 in bioterrorism funding made available for one year in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000 and reappropriates the same amount, making it available until expended. Both the amount rescinded and the reappropriation are designated as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The conference agreement rescinds \$12,000,000 in Centers for Disease Control and Prevention funding made available for one year in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000 and reappropriates the same amount, making it available until September 30, 2001. Both the amount rescinded and the reappropriation are designated as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Section 2401. The conference agreement includes a provision to remove the authority to transfer funds among accounts from the Centers for Disease Control and Prevention as proposed by both the House and Senate.

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION

The agreement includes a provision that allows funds presently appropriated in F00 for the Paralympic Winter Games to be awarded to a designee of the Salt Lake Organizing Committee for expenditure on their behalf.

VOCATIONAL AND ADULT EDUCATION

The conference agreement includes a provision to place the Youth Offender Grants program on a forward-funded basis. This provision was not included in either the House or the Senate bills.

The conference agreement includes a technical correction to the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000 which changes the forward funded portion of the appropriation from \$858,150,000 to \$882,650,000.

HIGHER EDUCATION

The conference agreement includes a provision to extend the availability of State Grants for Incarcerated Youth appropriated in fiscal years 1998 and 1999 for an additional year as proposed by the Senate. The House bill contains no similar provision.

The conference agreement includes an additional \$750,000 for the Fund for the Improvement of Postsecondary Education for creation of a center for inquiry and design-based learning in mathematics, science and technology education at the College of New Jersey, in Ewing, New Jersey. The agreement designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EDUCATION RESEARCH, STATISTICS, AND
IMPROVEMENT
(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a provision to make several technical corrections as proposed by both the House and the Senate. The conference agreement also includes technical corrections that were not included in either the House or the Senate bills.

The conference agreement also transfers \$368,000 provided under Health Resources and Services Administration, health care facilities construction and renovation to Education Research, Statistics, and Improvement for the George Mason University Center for Services to Families and Schools to expand a program for schools and families of children suffering from attentional, cognitive, and behavioral disorders.

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION
LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes \$35,000,000, available through September 30, 2001, for the Social Security Administration for additional workload generated by the "Senior Citizens' Freedom to Work Act of 2000 (P.L. 106-182) as proposed by the Senate. This level is the same amount as requested by the President and \$15,000,000 below the amount in the Senate bill. The House bill contains no similar provision. The conference agreement also designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS CHAPTER

Section 2402. The conference agreement includes a provision as proposed by the House to remove from the Department of Education and the Centers for Disease Control and Prevention the ability to carry over salary and expense funds for an additional quarter. The Senate bill contains no similar provision.

Section 2403. The conference agreement includes technical corrections in the con-

forming amendments on the set-asides in the Welfare-to-Work Amendments of 1999 as proposed by both the House and Senate.

Section 2404. The conference agreement includes technical corrections to the Workforce Investment Act of 1998 and the Carl D. Perkins Vocational and Technical Assistance Act of 1998 as proposed by the Senate. The House bill contains no similar provision.

Section 2405. The conference agreement includes a provision not proposed by either the House or Senate to make funds for certain technical assistance activities related to school reform available at an earlier date.

Section 2406. The conference agreement includes a provision, as proposed by the Senate in the Military Construction Appropriations Act, 2001, amending section 508(f)(1) of the Rehabilitation Act of 1973 to extend the date that the Federal government must provide equal access to disabled federal employees and disabled members of the public seeking information or services. The House bill contains no similar provision.

Section 2407. The conference agreement provides \$3,500,000 for the improvement and modernization of Saint John's Lutheran Hospital, Libby, Montana. It also includes \$8,000,000 for an Economic Development Administration grant to the city of Libby, Montana. The conference agreement also designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER 5

LEGISLATIVE BRANCH
ARCHITECT OF THE CAPITOL
CAPITOL BUILDINGS AND GROUNDS
FIRE SAFETY

The conference agreement appropriates \$17,480,000 to the Architect of the Capitol for fire safety projects as proposed by the Senate instead of \$15,166,000 as proposed by the House. The funds are designated as emergency requirements as proposed by the Senate.

GENERAL PROVISIONS—THIS CHAPTER

Section 2501. The conferees have amended language proposed by the Senate regarding the Trade Deficit Review Commission. The 3-month extension in the due date of the final report has been agreed to; the new subparagraph contained in subsection (a) of the provision in the Senate bill has been dropped without prejudice.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION
AND RELATED AGENCIES
DEPARTMENT OF TRANSPORTATION
COAST GUARD
ACQUISITION, CONSTRUCTION, AND
IMPROVEMENTS
(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes \$45,000,000, to remain available until expended, for acquisition of one C-37A command and control aircraft for use by the U.S. Coast Guard, as authorized under section 812(b) of the Western Hemisphere Drug Elimination Act (P.L. 105-277). The existing command and control aircraft is sixteen years old and experiencing significant reliability and maintenance problems. In addition, with an average flight cost of \$1,500 per hour (40 percent higher than current models), this aged aircraft unnecessarily diverts needed funds from other Coast Guard operating missions. The conference agreement fully offsets this appropriation through sale of the current aircraft (estimated by the Coast Guard at \$7,000,000) and rescission of other funds totaling \$38,000,000. The conferees assume that sale of the VC-11A will

first be offered to the vendor of the replacement aircraft. Rescinded funds include \$26,600,000 in unobligated balances appropriated to the Office of Management and Budget to resolve Year 2000 computer problems, as proposed by the House, and \$11,400,000 from unobligated balances of Coast Guard "Acquisition, construction, and improvements".

The conference agreement includes a rescission of \$11,400,000 in available balances from previous appropriations Acts under "Acquisition, construction, and improvements". As of May 31, 2000, the Coast Guard had an unobligated balance of \$327,404,000 in this appropriation, including regular funds, leftover disaster relief funds, and no-year emergency supplemental appropriations. The conferees believe a fraction of these unused funds can be used to offset higher priority requirements in the conference agreement without adversely impacting the service's missions. The conferees direct that none of these funds be taken from the Great Lakes icebreaker replacement project, and that the Coast Guard submit information on proposed rescissions to the House and Senate Committees on Appropriations prior to implementation.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS
(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a contingent emergency appropriation of \$75,000,000 for additional operating and maintenance costs of the Federal Aviation Administration, available until September 30, 2001, instead of \$77,000,000 as proposed by the Senate. The first priority for these additional funds should be the hiring of aviation safety inspectors and medical certification personnel.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD
SALARIES AND EXPENSES

The conference agreement provides \$19,739,000 for the National Transportation Safety Board for emergency expenses associated with the investigation of Egypt Air Flight 990 and Alaska Air Flight 261 accidents. These funds will compensate wreckage location and recovery facilities, technical support, testing, and wreckage mock-up. Both the House and the Senate bills provided \$24,739,000 for investigative costs. Since enactment of each bill, the Arab Republic of Egypt has agreed to reimburse the National Transportation Safety Board \$5,000,000 for Egypt Air Flight 990 wreckage location and recovery, decreasing the supplemental needs of the NTSB. The conference agreement requires the Secretary of the Treasury to reduce this appropriation by an amount equal to any subsequent reimbursement by the Arab Republic of Egypt for wreckage location and recovery, family assistance, and interagency agreements for up to \$3,983,000. The Egyptian government currently is reviewing the additional expenses.

Within the funds provided, up to \$10,000 shall be made available for the location and recovery of wreckage of N41078, as proposed in the Senate report.

GENERAL PROVISIONS—THIS CHAPTER

Section 2601. The conferees have included a provision that makes available a total of \$35,200,000 for seven bridge projects from funds previously made available to the department under section 104(a) of title 23, U.S.C. These projects were earlier identified in the conference agreement accompanying H.R. 2084, the fiscal year 2000 Department of Transportation and Related Agencies Appropriations bill, which directed the Federal Highway Administration (FHWA) to distribute discretionary bridge program funds

for certain specified projects and activities. The office of the secretary and the FHWA, without consulting or notifying the House and Senate Committees on Appropriations, released all discretionary bridge funding for fiscal year 2000 and did not consider fully the projects specified in the accompanying report. These actions were unconscionable and remain unacceptable. The conferees assert that the department, particularly the office of the secretary, must comply with both the letter and the spirit of the law, which requires the department to notify the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the Department or its modal administrations from: (1) any discretionary program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs.

Section 2602. The conference agreement rescinds \$26,600,000 in unobligated balances of funds appropriated to the Office of Management and Budget pursuant to Pubic Law 105-277 and subsequently transferred to the Department of Transportation for Year 2000 conversion of Federal information technology systems and related expenses, as proposed by the House. These funds are no longer needed for their original purpose and are available to offset higher priority Coast Guard capital needs.

Section 2603. The conference agreement includes an emergency appropriation of \$2,000,000 to the Office of the Assistant Secretary for Policy, U.S. Department of Transportation, to be transferred to the Environmental Protection Agency to carry out a telecommuting pilot program.

Section 2604. The conference agreement includes a provision that amends the allowable federal share requirement for projects for the elimination of hazards of railway-highway crossings funded under the surface transportation program.

Section 2605. The conference agreement includes \$2,000,000 for planning, preliminary engineering and design of the Metro-North Danbury to Norwalk commuter rail line re-electrification project in Connecticut.

Section 2606. The conference agreement includes \$3,000,000 for the Second Avenue Subway in New York City, New York.

Section 2607. The conference agreement includes \$500,000 for a study of improvements to Highway 8, from the Minnesota border to Highway 51, in the state of Wisconsin.

Section 2608. The conference agreement includes \$1,000,000 for reconstruction of, and improvements to, Halls Mill Road in Monmouth County, New Jersey.

GENERAL PROVISION—THIS TITLE

Section 2101 allows members of the Pueblo of San Ildefonso and the Pueblo of Santa Clara to collect plants and minerals in the Bandelier National Monument. The extensive areas burned by the Cerro Grande fire have severely reduced the availability of local plants, clays and soils traditionally used by these Pueblos. To allow their traditional ceremonies to continue uninterrupted, it is necessary to allow enrolled members of both Pueblos access to plant and mineral resources that are available in the Bandelier National Monument at quantities greater than allowed by current regulations of the National Park Service. These activities would be consistent with applicable laws governing the Monument.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES SALARIES AND EXPENSES

The conferees agree to include \$24,900,000 as a contingent emergency appropriation for the establishment of an in-service firearms training facility.

FIREARMS TRAINING FACILITY

The conferees direct that the Secretary of the Treasury undertake the establishment of an in-service firearms training facility in West Virginia for use by U.S. Customs Service and other law enforcement agencies. The conferees note with grave concern the serious threats that have arisen at U.S. borders with respect to attempted terrorist infiltrations and the increasing complexity of the interdiction of illegal drugs into this country. The Treasury Department has approximately 20,000 armed officers engaged in a wide variety of dangerous law enforcement activities. Because of the need to provide in-service firearms training for armed Treasury personnel, the conferees have included \$24,900,000 to accelerate the design and construction of a firearms complex on land currently owned by the Fish and Wildlife Service. The Secretary of the Treasury is authorized to designate a lead agency to oversee the development, implementation and operation of the facility and the conduct of training. The complex would also be available for use by the Fish and Wildlife Service, the National Park Service, certain other law enforcement personnel and selected State and local enforcement personnel. The conferees have also included language to designate the National Park Service to manage the entire tract of land and to make available a suitable portion of the land for use for the training facility, and language to assure that the training to be conducted at the new training firearms facility will be configured in such a way as to not duplicate or displace any federal law enforcement programs of the Federal Law Enforcement Training Center (FLETC). Likewise, no training currently being conducted at a FLETC facility will be moved to the West Virginia site. The entire amount is contingent upon receipt of a budget request that includes a Presidential designation of the amount requested as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES SECRET SERVICE SALARIES AND EXPENSES

The conferees agree to include \$10,000,000 as a contingent emergency appropriation for the United States Secret Service's costs related to planning, coordination and implementation of security for national special security and major protective events.

NATIONAL SECURITY SPECIAL EVENTS

The conferees are extremely concerned that the Administration has failed to request funding for the Secret Service to provide protective services for PDD 62, National Security Special Events (NSSE), causing significant budget shortfalls for the Secret Service. For example, the conferees are aware that the 2002 Winter Olympics in Salt Lake City has long been officially designated as a NSSE but the Administration provided no funding and implementing overall security. The conferees note however, that the Administration did fund the FBI and FEMA for their role in the Winter Olympics. In order to address fiscal year 2000 shortfalls, the conferees provide \$10,000,000 for costs associated with planning, coordination and implementation of security at the following major protective events. The World Trade Organization Meeting, the International

Monetary Fund meeting, Operation Sail 2000, the Republican and Democratic National Conventions, the UN General Assembly 55-Millennium Assembly, and fiscal year 2000 costs related to the 2002 Winter Olympics. The conferees direct the Department of the Treasury to submit to the Committees on Appropriations, a budgeting plan for the Secret Service in regard to anticipated and unanticipated National Special Security Events for fiscal year 2001 no later than September 1, 2000.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF ADMINISTRATION INFORMATION TECHNOLOGY

The conferees agree to establish a new account within the Office of Administration and include \$8,400,000 as a contingent emergency appropriation for the costs associated with the restoration and reconstruction of certain electronic mail messages and for inclusion of such messages in the Automated Records Management System. These funds were proposed by the President to be funded within the Office of Administration's Salaries and Expenses appropriation. Neither the House nor the Senate bills included these funds as the President's request was received after House and Senate consideration of the supplemental appropriations bills.

TAPE RESTORATION PROJECT

The conferees have established a new account for the necessary expenses of ongoing activities associated with the restoration and reconstruction of certain electronic mail messages and for inclusion in the Automated Records Management System, providing \$8,400,000, to remain available until September 30, 2002. The conferees prohibit the obligation of these funds until the Office of Administration submits an independent verification and validation of the estimated costs of this project.

The conferees are concerned by the escalation in estimated costs of this project, which have ranged from \$3,000,000 to levels well in excess of that amount. To date, \$4,800,000 has been provided to support ongoing work; combined with this supplemental appropriation, the total federal appropriation is \$13,200,000. The conferees are concerned that, to date, estimates of total project costs have not been finalized and that an independent verification and validation of both the costs of specific phases of the reconstruction effort and the total project are not available. The conferees have included bill language prohibiting the obligation of funds until the Office of Administration submits to the Committees on Appropriations an independent verification and validation of the costs of the restoration project, including the final report prepared by the independent verification and validation contractor for both initial and projects cost estimates.

It is not the intent of the conferees to delay or impede the ongoing restoration work; nonetheless, the conferees believe it is critical that all costs related to this project undergo an independent verification and validation process and that the findings of this process be reported to the Committees on Appropriations as expeditiously as possible. The conferees note the current monthly reporting requirements imposed by the House Committee on Appropriations in regards to the obligation of funds as well as other project analysis. Should it be necessary, and in order to satisfy the requirements of the bill language without impeding ongoing work, the conferees are willing to consider releasing a portion of the funds upon receipt of interim verification and validation documents until the final report is prepared.

These interim reports would be in addition to the monthly reports required by the House Committee on Appropriations. Should these interim reports become necessary, the Office of Administration is directed to establish, in consultation with the Committees on Appropriations, a schedule of milestones for the completion of the final report and the total release of funds.

AUTOMATED RECORDS MANAGEMENT SYSTEM

The conferees are concerned that contractor error may be a causal factor in the White House e-mails not being properly archived into the Automated Records Management System (ARMS), resulting in the present supplemental appropriation for reconstruction and restoration costs. The conferees fully expect the Executive Office of the President (EOP) to diligently pursue reimbursement from contractors if it is determined that their errors and/or negligence led to the present additional funding requirement. The conferees believe that the EOP should review contractor performance beginning with the ARMS project of 1994 and including all contractors responsible for operating and maintaining the information technology system for the EOP. The conferees direct the Office of Administration to report back within 6 months of the date of enactment of this Act to the Committees on Appropriations on the performance of the contractors responsible for operating and maintaining the information technology systems. The performance report should include an evaluation of whether or not the contractor has legally defaulted and on any actions to be taken by the EOP to recoup the costs associated with the reconstruction and restoration effort currently underway.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

POLICY AND OPERATIONS

The conferees agree to include \$3,300,000 as a contingent emergency appropriation for the Salt Lake 2002 Winter Olympic and Paralympic Game doping control program.

GENERAL PROVISIONS—THIS CHAPTER

Section 2701. The conferees agree to include a provision waiving anti-pooling provisions for the fiscal year 2000 administrative costs of the Counterdrug Intelligence Executive Secretariat.

Section 2702. The conferees agree to include a provision to rescind and reappropriate certain unobligated balances with the Internal Revenue Service's Information Technology Investments account.

Section 2703. The conferees agree to include a provision authorizing the Secretary of the Treasury to address clerical errors in fiscal year 1999 which resulted in the Hospital Insurance (HI) Trust Fund being over-invested while the Supplementary Medical Insurance (SMI) Trust Fund was under-invested. The conferees understand that the principal amount of the bookkeeping errors has been corrected, but that the over-investment resulted in the HI Trust Fund being credited with excess interest earnings, while the under-investment resulted in the SMI Trust Fund being deprived of interest earnings. The conferees further understand that these bookkeeping errors have not affected Medicare payments in any way, nor did the errors result in any moneys being erroneously paid out by the Government. Nevertheless, the conferees believe that the errors should be corrected in full to ensure the correct allocation of funds among the HI Trust Funds, the SMI Trust Fund, and the Treasury General Fund.

Section 2704. The conferees agree to include a technical modification to Public Law 106-113 to make a direct payment to the United States Olympic Committee through

the United States Anti-Doping Agency from funds appropriated for fiscal year 2000.

Section 2705. The conferees agree to include a provision to rescind and reappropriate certain unobligated balances within the Salaries and Expenses account of the U.S. Secret Service.

Section 2706. The conferees agree to include a technical modification to Public Law 106-58 clarifying language in Senate Report 106-87 on the Treasury and General Government Appropriations Act, 2000, to authorize the General Services Administration to provide funds appropriated in fiscal year 2000 for the Nebraska State Patrol Digital Distance Learning project.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

Inserts language as proposed by the House making a technical correction on a specific economic development initiative grant provided under title II of Public Law 106-74.

Inserts language proposed by the Senate and modified by the conferees making a technical correction on a specific neighborhood initiative grant provided under title II of Public Law 106-74.

Inserts new language providing \$27,500,000 for five targeted economic development initiatives.

HOME INVESTMENT PARTNERSHIPS PROGRAM

Inserts language proposed by the House which provides \$11,000,000 to the New Jersey Department of Community Affairs and \$25,000,000 to the North Carolina Housing Finance Agency. This funding is for temporary rental assistance to very low-income families displaced by the floods spawned by Hurricane Floyd. The conferees direct HUD to provide these funds to the aforementioned State agencies within two weeks of enactment of this Act.

HOMELESS ASSISTANCE GRANTS

Inserts language proposed by the Senate and modified by the House authorizing HUD to spend funds from this account to renew for one year those expiring Shelter Plus Care and Supportive Housing grants covered by the 1999 Notice of Funding Availability (NOFA).

The conferees note their increasing concern about how priorities for this program are set. It is the understanding of the conferees that the McKinney program leaves the decision to renew expiring grants with local authorities. Thus, there is a fundamental mismatch between a results-oriented program that creates a supply of permanent housing that ends homelessness among chronically ill persons, and HUD's commitment to operating the program through local decision-making. In addition, the conferees are concerned about the long-term implications of automatically renewing all permanent housing commitments. By including this compromise, the conferees are merely resolving the immediate issue and deferring a more comprehensive decision to a more appropriate vehicle or to a later date. Any comprehensive approach should include data and management systems that can measure progress toward the goal of ending chronic homelessness.

Inserts language proposed by the House authorizing HUD to make technical assistance funds available for management and information systems.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Inserts new language limiting HUD from spending funds to employ more than 9,100 full time equivalent (FTE) employees during

fiscal year 2000. Additionally, HUD is directed to develop an employee resource management plan that: (1) bases estimates and allocations on the level of work and where it is to be performed; (2) includes all departmental responsibilities in the work definition and resource estimation system; (3) identifies what work can be done with current human resource levels, and what tasks must be done less often, not done, or contracted out if they are to be accomplished; and (4) includes a resource validation component that accurately measures what staff do. The Department is directed to brief the Committees on Appropriations every six months on the progress made in developing this plan until it is implemented.

HUD's lack of an adequate staff plan begs the question of why HUD is apparently racing to hire more than 764 employees by the end of July, 2000. Though the limitation agreed to by the conferees does not preclude HUD from continuing down this course, it should be considered a warning that HUD cannot assume that funds to cover more than 9,100 FTEs in fiscal year 2001 will be forthcoming.

This assumption, in addition to being reckless, is further jeopardized because HUD's 2001 budget estimates about salary requirements are simply incorrect. The newest information from HUD shows that rather than needing \$78,800 per FTE for salaries, HUD actually needs \$82,000. This increase is due to HUD's insistence to hire community builder fellows at grade and salary levels that far out-strip career civil servants. In order to stave off employee complaints about the community builder program and to boost the moral of the civil servants, HUD recently promoted 200 career civil servants and provided more than 3,000 quality step increases to career civil servants. These increases, though likely well-deserved, were not built into the fiscal year 2001 budget estimate. The conferees believe that this decision, coupled with HUD's insistence on hiring 764 new staff, constitutes serious mismanagement and could create a crisis that may not be averted unless prompt responsible action is taken.

Thus, the conferees direct HUD to reconsider hiring to this staff level until the Committees, along with the Office of Management and Budget (OMB), can undertake a review of HUD's staffing needs and relate them to a realistic budget proposal.

OFFICE OF INSPECTOR GENERAL

(INCLUDING RESCISSION OF FUNDS)

Inserts technical language proposed by the Senate and modified by the House rescinding and re-appropriating \$6,000,000 for the "Office of Inspector General" for the Housing Fraud Initiative.

INDEPENDENT AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(RESCISSION OF FUNDS)

Inserts new language rescinding \$1,000,000 from the National Service Trust instead of transferring such amount as proposed by the House. The conferees have included this rescission as part of the appropriation of additional funds for the Office of Inspector General.

OFFICE OF INSPECTOR GENERAL

Inserts \$1,000,000 for the Office of Inspector General, as proposed by the House. The amount provided shall be for the purpose of expanding the number of audits of State Commissions on National and Community Service. The conferees, recognizing the lateness of the additional funds, have agreed to

make these funds available until September 30, 2001.

ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL PROGRAMS AND MANAGEMENT
(INCLUDING TRANSFER OF FUNDS)

Inserts language as proposed by the House clarifying Congressional intent with respect to a specific grant made available in Public Law 106-74 and in prior Acts; and which transfer funds provided for a specific grant in Public Law 105-276 to the "State and tribal assistance grant" account for specific water and wastewater infrastructure projects.

New language has also been included which prohibits the Environmental Protection Agency from spending any funds available for expenditure in fiscal years 2000 and 2001 to make a final determination on or implement any new rule relative to the Proposed Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy and the Proposed Revisions to the Water Quality Planning and Management Regulations Concerning Total Maximum Daily Load, published in the Federal Register on August 23, 1999.

STATE AND TRIBAL ASSISTANCE GRANTS

Inserts language as proposed by the House making a technical correction to a specific grant identified in project number 102 provided in Public Law 106-74; and inserts new language making further technical corrections with respect to specific grants identified in project numbers 135 and 50 provided in Public Law 106-74.

FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF

The conferees have agreed to provide \$50,000,000, in addition to other amounts made available, to be derived from unobligated balances made available under "Disaster Relief" in Public Law 106-74, as proposed by the Senate. The House has proposed an additional \$77,400,000 for buyout of properties made uninhabitable by Hurricane Floyd and surrounding events, under regulations promulgated in response to passage of Public Law 106-113. Both the House and Senate bills had designated the funding as emergency funding.

The conferees have agreed to include up to \$50,000,000 within available disaster relief funds for buyouts and elevations of prop-

erties in the 100-year floodplain in areas which have had Presidential disaster declarations in fiscal years 1999 or 2000. FEMA is to give priority consideration to grant proposals for buyouts or elevations of repetitive loss properties. The fact the conferees have provide additional funds for buyouts reflects a recognition of significant demand for these funds in numerous states throughout the country and the need for actions to reduce potential losses for future flood events. The action of the conferees is not a positive reflection, however, on how FEMA has executed this program to date. The conferees are deeply troubled with FEMA's implementation of the buyout program as the agency has failed to meet statutory requirements to issue interim regulations by December 31, 1999, failed to provide States with clearly defined guidance to apply eligibility criteria, failed to develop a standard method for assessing fair market value and estimated costs per structure, and made an interim allocation based on inaccurate State submissions resulting in inequitable distribution of funds to the States. The conferees expect FEMAS will address these major shortcomings, and those expected to be identified by the Inspector General shortly, and issue a final rule in a timely manner. Without stronger oversight and accountability for these funds than has been exhibited to date, additional funds will be provided.

The conferees are aware of a disaster declaration request submitted June 26, 2000 by the Governor of North Dakota for areas in the eastern portion of the state affected by severe, unexpected rainfall, and understand there likely will be a formal Presidential declaration made shortly. The conferees recognize and applaud the professional and dedicated response to this disaster, as well as the initial damage assessments already performed by State and local disaster officials and representatives of the Federal Emergency Management Agency (FEMA). The conferees urge FEMA and other Federal agencies involved in responding to these floods to act expeditiously in processing claims submitted by State and local officials and affected residents upon the formal emergency declaration.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY
The conferees have provide an additional \$1,000,000 for the Independent Verification

and Validation Facility to perform software IV&V work for future Mars missions, and an additional \$500,000 for the expansion of the Self Adaptive Vehicular Equipment (SAVE) project's "Online Learning Flight Control for Intelligent Flight Controls Systems" initiative at the Dryden Flight Research Center.

GENERAL PROVISIONS—THIS CHAPTER

Section 2801. Inserts language as proposed by the House and the Senate clarifying the intent of title V, subtitle C, section 538 of Public Law 106-74.

Section 2802. Inserts language as proposed by the Senate clarifying the intent of a specific grant provided in Public Law 106-113.

Sections 2803 and 2804. Inserts language as proposed by the Senate making several technical corrections in title II of Public Law 106-74.

CHAPTER 9

GENERAL PROVISION—THIS TITLE

DISTRICT OF COLUMBIA

Section 2901 appropriates \$4,485,000 in Federal funds as proposed by the Senate to reimburse the District of Columbia for certain costs incurred in connection with the International Monetary Fund and World Bank Organization Spring Conference held in the District in April 2000. The conference agreement includes language proposed by the Senate that designates this appropriation as an emergency requirement available only to the extent that an official budget request is received by the Congress.

TITLE III—COUNTER NARCOTICS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

Chapter 1 of the conference agreement provides a total of \$184,059,000 in emergency supplemental appropriations for the Department of Defense, instead of \$185,800,000 as proposed by the House and \$115,700,000 as proposed by the Senate, to support Plan Colombia goals and for the procurement of one Airborne Reconnaissance Low aircraft.

The following table provides details of the emergency supplemental appropriations in this chapter.

(In thousands of dollars)

Program	FY2000 request	FY 2001 request	House	Senate	Conference
Counter-narcotics battalion support	18,200	3,000	21,200	18,200	21,200
Counter-narcotics brigade headquarters	1,000	0	1,000	1,000	1,000
Army aviation infrastructure support	8,200	5,000	13,200	8,200	13,200
Military reform	3,000	3,000	6,000	3,000	6,000
Organic intelligence capability	0	5,000	5,000	0	5,000
Senior Scout	0	5,000	5,000	0	5,000
Tracker aircraft modifications	7,000	3,000	10,000	7,000	10,000
AC-47 aircraft modifications	1,000	6,400	7,400	1,000	7,400
Ground based radar	13,000	7,000	20,000	0	13,000
Radar command and control	5,000	0	5,000	5,000	5,000
Andean ridge intelligence collection	3,000	4,000	7,000	3,000	7,000
Colombian ground interdiction	5,000	0	5,000	5,000	5,000
Classified	34,000	21,000	80,000	34,300	55,259
Airborne Reconnaissance Low aircraft	0	0	0	30,000	30,000

AIRCRAFT PROCUREMENT, ARMY

The conferees agree to provide \$30,000,000 for the procurement of one Airborne Reconnaissance Low (ARL) aircraft, as proposed by the Senate. This aircraft will replace the ARL aircraft lost in the tragic crash during a counter-narcotics mission in Colombia last year. The conferees are concerned that more ARL aircraft have not been available on a regular basis to U.S. Southern Command, and strongly urge the Department of Defense and the Army to provide more ARL mission aircraft for missions in the U.S. Southern Command area of responsibility.

DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE

The conferees agree to provide \$154,059,000 in support of Plan Colombia. The conferees direct the Secretary of Defense to provide to the Committees on Appropriations, not later than 30 days following enactment of this Act, a report on the proposed uses of all funds under this heading. This report shall describe steps taken to ensure the maximum force protection of U.S. personnel while deployed in Colombia, including their rules of engagement. The conferees have provided funding for specific activities, as described in

the budget request, and direct the Under Secretary of Defense (Comptroller) to notify the Committees on Appropriations 15 session days prior to any obligation or transfer of funds which is not consistent with the specific purposes contained in the request and delineated in this statement of managers.

Additionally, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict is directed to provide a monthly report to the congressional defense committees, which shall include the following information for the preceding month:

Identification of private sector firms providing support to Plan Colombia in any capacity, the number of American citizens located overseas in execution of supporting contracts, and the number of military personnel and U.S. government employees operating in Colombia and the surrounding region in support of Plan Colombia.

CLASSIFIED PROGRAMS

The conference agreement regarding classified programs is summarized in a classified annex accompanying this statement of managers.

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to retain and amend section 3101, as proposed by the House and amended by the Senate, which places limits on the funds made available in this Act to the Department of Defense for the provision of support for counter-drug activities of the Government of Colombia.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

ASSISTANCE FOR COUNTERNARCOTICS

ACTIVITIES

The conference agreement recommends \$1,018,500,000 in emergency supplemental appropriations to reduce the supply of narcotics to the United States from Colombia and Southern and Central America and the Caribbean. The House bill recommended \$1,099,000,000 and the Senate amendment recommended \$934,100,000.

The President requested that \$818,000,000 be designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. In addition, the President requested \$256,000,000 in fiscal year 2001 to support Plan Colombia. These funds shall only be available to the extent that an official budget request that designates the entire amount as

an emergency requirement is transmitted to the Congress. The conference agreement provides that these funds be available until expended, as requested by the Administration.

The conference agreement provides a waiver of section 482(b) of the Foreign Assistance Act of 1961, regarding the procurement of weapons and ammunition, for funds under this heading. Also the conference agreement requires that funds under this title shall be subject to all limitations and restrictions contained in section 599D of section 1000(a)(2) of Public Law 106-113, regarding funds for population planning.

The conference agreement directs the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the Agency for International Development, to provide to the Speaker of the House of Representatives and to the Committees on Appropriations not later than 30 days after enactment of this Act, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project or activity. The conferees direct the Administration's report to reflect the priorities as provided in the following funding columns. The conferees note that the report by the Secretary of State must be received prior to the initial obligation of any of these emergency supplemental funds. The conferees expect this report to serve as the basis for any future reprogramming of funds by the Executive Branch. Further, at least 20 days prior to the obligation of funds under this title, the Secretary of State shall inform the Committees on Appropriations.

ASSISTANCE FOR PLAN COLOMBIA

The assistance for Plan Colombia is designed to support the five objectives of the Colombian government's effort to gain control of the drug producing regions in southern Colombia; to increase drug interdiction efforts; to provide additional assistance to the Colombian National Police; to increase alternative economic development programs,

and to strengthen human rights and justice and anti-crime programs.

SUPPORT FOR THE PUSH INTO SOUTHERN COLOMBIA

The conference agreement recommends \$390,500,000 to support the Government of Colombia's objective to gain control of the drug producing regions of southern Colombia. These funds will support certain aspects of training and equipping the second and third Colombian Army counternarcotics battalions. Central to this entire effort is providing reliable airlift for these counternarcotics battalions. The conference agreement directs that funds will be utilized to: procure and support 16 UH-60 Black Hawk helicopters; procure, refurbish, and support 30 UH-1H Huey II helicopters; and support 15 UH-1N helicopters for use by the Colombian Army. The conference agreement directs that UH-60 Black Hawk procurement be managed by the U.S. Defense Security Cooperation Agency. The conference agreement includes language, as contained in the House bill, requiring that if any helicopter procured with funds under this heading is used to aid or abet the operations of an illegal self-defense group or security cooperative, then such helicopter shall be immediately returned to the United States. The conferees recognize that significant resources under this title are dedicated to procurement and sustainment of various aircraft for use by the Colombia government and, therefore, support funds for defensive systems to provide protection for these aircraft. As requested by the Administration, the conference agreement recommends \$9,000,000 to procure Schweizer SA 2-37A organize intelligence aircraft with forward looking infrared (FLIR) to support the counternarcotics battalions' counter-drug surveillance. The conference agreement directs funds for the following programs:

SUPPORT FOR THE PUSH INTO SOUTHERN COLOMBIA

	House	Senate	Conference
Train and equip Colombian Army counternarcotics battalions	\$7,000,000	\$7,000,000	\$7,000,000
Army Counternarcotics battalion UH-1N program	64,000,000	64,000,000	60,000,000
Army Counternarcotics battalion UH-60 Black Hawk program	362,000,000		208,000,000
Army Counternarcotics battalion UH-1H Huey II program		118,500,000	60,000,000
Sustain Army counternarcotics battalion	6,000,000	6,000,000	6,000,000
Forward infrastructure development	3,000,000	5,000,000	3,000,000
Force protection enhancements	4,000,000	7,000,000	4,000,000
Logistical Support	4,400,000	8,000,000	4,400,000
Army Counternarcotics battalion organic intelligence	9,000,000	9,000,000	9,000,000
Training for senior commanders	1,100,000	1,100,000	1,100,000
Army Counternarcotics battalion communications	3,000,000		3,000,000
Other infrastructure and sustainment	6,500,000		
Alternative development in southern Colombia	16,000,000	10,000,000	10,000,000
Temporary emergency resettlement and employment	15,000,000	15,000,000	15,000,000
Total	501,000,000	250,600,000	390,500,000

SUPPORT FOR INTERDICTION EFFORTS

The conference agreement recommends \$129,400,000 to enhance United States and Colombian narcotics interdiction efforts. The majority of these funds are dedicated to up-

grading the radar systems in four U.S. Customs Service P-3 airborne early warning interdiction aircraft. The U.S. Customs Service aircraft are dedicated to missions to detect and monitor suspect targets destined for

the United States from cocaine source zones, primarily Colombia. Additionally, the Committee directs funds U.S. and Colombian air, land, and sea interdiction programs as follows:

SUPPORT FOR INTERDICTION EFFORTS

	House	Senate	Conference
Upgrade Colombian Air Force OV-10 aircraft	\$15,000,000	\$15,000,000	\$15,000,000
Upgrade aircraft for night operations	1,900,000	1,500,000	1,900,000
Airfield upgrades	8,000,000	8,000,000	8,000,000
Upgrade U.S. Customs Service P-3 aircraft radar systems	68,000,000	68,000,000	68,000,000
Support for Colombian air interdiction program	19,500,000	19,500,000	19,500,000
Support for Colombian riverine interdiction program	12,000,000	12,000,000	12,000,000
Ammunition for Colombian riverine interdiction program	2,000,000	2,000,000	2,000,000
Colombian Navy operations infrastructure support	1,000,000	1,000,000	1,000,000
U.S. ONDCP Counternarcotics intelligence architecture	1,000,000	500,000	
U.S. Treasury/OFAC sanctions support	2,100,000	2,000,000	2,000,000
Civil beacons		2,000,000	
Go Fast Boat		1,000,000	
Total	130,500,000	132,500,000	129,400,000

SUPPORT FOR THE COLOMBIAN NATIONAL POLICE

The conference agreement recommends \$115,600,000 to support the Colombian National Police (CNP). The conferees note that the CNP has for years been at the forefront of the Colombian National Police (CNP). The conferees note that the CNP has for years been at the forefront of the Colombian gov-

ernment's counter-narcotics efforts and has received significant United States support in recent years. The conference agreement recommends three significant programs to enhance the CNP's eradication efforts. These include: \$2,600,000 for procurement, training and support for two UH-60 Black Hawk helicopters; \$20,600,000 for twelve UH-1H Huey II

helicopters; and \$20,000,000 for the purchase of Ayers S2R T-65 agricultural spray aircraft and OV-10 aircraft. The conference agreement recommends additional funds be provided for communications, ammunition, spare parts, training and logistical support. The conference agreement directs funds for the following programs:

SUPPORT FOR THE COLOMBIAN NATIONAL POLICE

	House	Senate	Conference
Secure communications	\$3,000,000	\$3,000,000	\$3,000,000
Weapons and ammunition	3,000,000	3,000,000	3,000,000
UH-60 Black Hawk procurement and support	26,000,000	.....	26,000,000
Enhanced Logistical Support	2,000,000	2,000,000	2,000,000
CNP forward operating capability and force protection	5,000,000	5,000,000	5,000,000
CNP border bases construction	5,000,000	5,000,000	5,000,000
Additional CNP airmobile units	2,000,000	2,000,000	2,000,000
Upgrade CNP aviation facilities	8,000,000	8,000,000	8,000,000
Additional spray aircraft	20,000,000	20,000,000	20,000,000
Upgrade existing CNP airplanes (including FLIR)	5,000,000	5,000,000	5,000,000
Upgrade 12 UH-1H helicopters to Huey II configuration	20,600,000	24,000,000	20,600,000
Sustainment and operations	5,000,000	5,000,000	5,000,000
Training for pilots and mechanics	1,900,000	2,500,000	2,000,000
Airfield security	2,000,000	2,000,000	2,000,000
Enhanced eradication	4,000,000	4,000,000	4,000,000
Spare parts	3,000,000	3,000,000	3,000,000
Total	115,500,000	93,500,000	115,600,000

SUPPORT FOR ALTERNATIVE AND ECONOMIC DEVELOPMENT IN COLOMBIA

The conference agreement recommends \$81,000,000 to support alternative and economic development programs in Colombia. These funds are in addition to funds provided for alternative development associated with the Colombian government's objective to

"Push into Southern Colombia". The conferees recommend funding levels for these programs at levels below the House and Senate bills since these supplemental funds are not expected to reach Colombia until the last quarter of fiscal year 2000. The conferees believe that additional funding for these programs can be made available during the reg-

ular fiscal year 2001 appropriations process. The conference agreement recommends \$4,000,000 for operating expenses for the Agency for International Development to effectively manage this program. The conferees direct funds for the following programs:

SUPPORT FOR ALTERNATIVE AND ECONOMIC DEVELOPMENT IN COLOMBIA

	House	Senate	Conference
Environmental programs	\$5,000,000	\$2,500,000	\$2,500,000
Voluntary eradication programs	46,000,000	46,000,000	30,000,000
Assistance to local governments	15,000,000	12,000,000	12,000,000
Assistance for internally displaced persons	24,500,000	24,500,000	22,500,000
AID Operating Expenses in Colombia	6,000,000	4,500,000	4,000,000
Community-level alternative development	20,000,000	20,000,000	10,000,000
Total	116,500,000	109,500,000	81,000,000

SUPPORT FOR HUMAN RIGHTS AND JUDICIAL REFORM IN COLOMBIA

The conference agreement recommends \$122,000,000 for a broad range of human rights, judicial reform, and other programs designed to support the peace process and to strengthen democracy and rule of law in Co-

lombia. The conferees strongly support funding for these programs and recognize that protecting human rights and rule of law are central to the overall goals of Plan Colombia. The conferees note that the recommended level for these important programs is \$29,000,000 more than requested by

the Administration. The conference agreement includes \$2,500,000 to support the rehabilitation of child soldiers instead of \$5,000,000 as proposed by the Senate. The House bill did not address this matters. The conference agreement directs funds for the following programs:

SUPPORT FOR HUMAN RIGHTS AND JUDICIAL REFORM IN COLOMBIA

	House	Senate	Conference
Protection of human rights workers	\$4,500,000	\$4,000,000	\$4,000,000
Strengthen human rights institutions	8,500,000	7,000,000	7,000,000
Establish CNP/Fiscalia human rights units	4,000,000	25,000,000	25,000,000
Judicial system policy reform	2,500,000	1,500,000	1,000,000
Criminal code reform	3,500,000	3,500,000	1,500,000
Prosecutor training	4,500,000	4,000,000	4,000,000
Judges training	4,000,000	4,000,000	3,500,000
Casa de Justicia judicial program	6,500,000	3,000,000	1,000,000
Public defender program	2,500,000	2,000,000	2,000,000
Asset forfeiture-money laundering task force	4,000,000	¹ 15,000,000	15,000,000
Counternarcotics investigative units	4,000,000	.....	.....
Anti-corruption program	6,000,000	(¹)	.....
Asset management program	1,000,000	(¹)	.....
Anti-kidnapping program	2,000,000	2,000,000	1,000,000
Financial crime program	3,000,000	(¹)	.....
Judicial Police training program	4,000,000	4,000,000	3,000,000
Witness and judicial security	5,000,000	5,000,000	5,000,000
Armed Forces human rights and legal reform	1,500,000	.....	1,500,000
Army JAG School	1,000,000	.....	1,000,000
Training for Customs police	6,000,000	6,000,000	2,000,000
Maritime enforcement and port security	4,000,000	4,000,000	2,500,000
Multilateral case initiative	4,500,000	4,500,000	3,000,000
Prison security program	8,000,000	8,000,000	4,500,000
Banking supervision assistance	1,000,000	1,000,000	1,000,000
Revenue enhancement assistance	1,000,000	1,000,000	500,000
Customs training assistance	1,000,000	1,000,000	1,000,000
Conflict management and peace process	1,000,000	5,000,000	3,000,000
U.N. Office of Human Rights .....	.....	1,000,000	1,000,000
U.S. Government monitoring .....	.....	1,500,000	1,500,000
Organized financial crime .....	.....	¹ 15,000,000	14,000,000
Rehabilitation of Child Soldiers .....	.....	5,000,000	2,500,000
Witness/Judicial Security Human Rights Cases .....	.....	10,000,000	10,000,000
Total	98,500,000	143,000,000	122,000,000

¹ Designates a combination of accounts.

REGIONAL ASSISTANCE

The conferees recognize the unique narcotics crisis affecting Colombia and the United States and has, therefore, responded to the President's request that the overwhelming majority of these emergency funds be provided in direct support of Plan Colombia. However, this effort requires a greater regional emphasis so that the problems associated with the cultivation, processing and trafficking of illegal narcotics are not simply relocated elsewhere in the region. Therefore, the conference agreement recommends \$180,000,000 for assistance for other countries in the region. Of these funds, the conferees recommend that up to \$32,000,000 be made available to procure American-made KMAX helicopters and to provide initial training, logistics, and technical support for four years. The conference agreement recommends not less than \$18,000,000 for interdiction programs in other countries in South and Central America and the Caribbean. The conferees are aware of the significant interdiction requirements in Panama, Costa Rica, Brazil, The Bahamas, and Venezuela. The conferees direct that the Secretary of State, when reporting to the Committees on Appropriations as required by this Act, provide recommendations and justifications for the use of these funds on a country-by-country basis.

The conference agreement provides that not less than \$110,000,000 be made available for assistance for Bolivia, including \$85,000,000 which may be made available for alternative development and other economic activities. The conferees strongly support the efforts of the Bolivian government, through its "Dignity Plan", to terminate coca production in Bolivia.

The conference agreement recommends that no less than \$20,000,000 may be made available for assistance for Ecuador, including \$8,000,000 which may be made available for alternative development and other economic activities.

The conference agreement includes bill language regarding conditions on assistance for Colombia which is similar to language contained in the House bill and the Senate bill. This bill language requires the Secretary of State to certify that a number of conditions have been met by the Government of Colombia prior to the initial obligation of funds under this heading.

The conference agreement includes language regarding limitations on the use of appropriated funds in support of Plan Colombia and the assignment of United States military personnel in Colombia which is similar to language contained in the Senate bill. The House bill contained a similar provision. The conferees note that this provision places a limitation on the assignment of any United States military personnel in Colombia in connection with support of Plan Colombia and does not apply to other United States military personnel in Colombia not directly supporting of Plan Colombia.

The conference agreement does not include bill language requiring certain reporting requirements regarding conditions on assistance to Colombia as proposed by the Senate. However, the conferees expect that beginning 60 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the provision of resources administered under this Act, the Secretary of State shall submit a report to the Appropriations Committees and other congressional committees as appropriate which contains:

A description of the extent to which the Colombian Armed Forces have suspended from duty Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights, and

the extent to which such personnel have been brought to justice in Colombia's civilian courts, including a description of the charges brought and the disposition of such cases.

An assessment of efforts made by the Colombian Armed Forces, National Police, and Attorney General to disband paramilitary groups, including the names of Colombian Armed Forces personnel brought to justice for aiding or abetting paramilitary groups and the names of paramilitary leaders and members who were indicted, arrested and prosecuted.

A description of the extent to which the Colombian Armed Forces cooperate with civilian authorities in investigating and prosecuting gross violations of human rights allegedly committed by its personnel, including the number of such personnel being investigated for gross violations of human rights who are suspended from duty.

A description of the extent to which attacks against human rights defenders, government prosecutors and investigators, and officials of the civilian judicial system in Colombia, are being investigated and the alleged perpetrators brought to justice.

An estimate of the number of Colombian civilians displaced as a result of the "push into southern Colombia", and actions taken to address the social and economic needs of these people.

A description of actions taken by the United States and the Government of Colombia to promote and support a negotiated settlement of the conflict in Colombia.

The conference agreement includes bill language, identical to the House bill, regarding the denial of visas for persons credibly alleged to have aided or abetted Colombian insurgent and paramilitary groups. Further, the conference agreement includes bill language, as proposed by the Senate, requiring a report by the President on the current United States policy and strategy regarding United States counter narcotics assistance for Colombia and neighboring countries.

The conferees direct that not later than 60 days after the enactment of this Act, the Secretary of State, in consultation with the heads of other relevant United States federal agencies, report to the Committees on Appropriations regarding the effects on human health and the safety of herbicides utilized under this title. The House bill did not address this matter.

The conference agreement does not include bill language regarding certain counter narcotics measures, as proposed by the Senate. The conferees believe that the Government of Colombia should commit itself immediately to the urgent development and application of naturally occurring and ecologically sound methods for eradicating illicit crops, which could reduce significantly the loss of life in Colombia and the United States.

Further, the conferees believe that the effectiveness of United States counter narcotics assistance to Colombia depends on law enforcement officials in Colombia having full access to all areas of Colombian national territory. Also, the conferees believe that the governments of the countries receiving assistance under this title should take steps to bring to justice narcotics traffickers and, if requested, extradite these traffickers to the United States.

The conference agreement includes bill language, as proposed by the Senate, requiring a detailed report by the Secretary of State regarding the extradition of narcotics traffickers to the United States. The House bill did not address this matter.

The conference agreement includes bill language, as proposed by the Senate, requiring the Secretary of State to make a certi-

cation regarding the United States Government's public support for the military and political efforts of the Government of Colombia. The House bill did not address this matter.

The conference agreement does not include bill language, as proposed by the Senate amendment, regarding United States citizens held hostage in Colombia. The House bill did not address this matter. The conferees are deeply concerned that three American citizens, David Mankins, Mark Rich, and Rick Tenenoff, have been held hostage by Revolutionary Armed Forces of Colombia (FARC) guerrillas since January 31, 1993. These men were engaged in humanitarian and religious work when they were taken hostage. The conferees condemn these kidnappings and urge the Administration and the United Nations to work to gain the prompt release of these Americans.

CHAPTER 3

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conferees recommend \$116,523,000 for Military Construction, Defense-wide, as proposed by the House and Senate. These amounts are provided as a contingent emergency appropriation for the construction of three Forward Operation Locations to support the Colombia Anti-Drug Program, as follows:

Location/Facility	Cost
Ecuador:	
Airfield Pavement/Rinse Facility	\$38,600,000
Aircraft Maintenance Hangar/ Nose/Dock Apron	6,723,000
Expeditionary Maintenance Facilities	4,900,000
Expeditionary Rescue Station ..	2,200,000
Expeditionary Squadron Ops/ AMU/Storage	2,600,000
Expeditionary Visiting Airmen Quarters/Dining Facility	4,650,000
Expeditionary Visiting Officer Quarters	1,600,000
Subtotal, Ecuador	61,273,000
Aruba:	
Airfield Pavement/Rinse Facility	8,800,000
Expeditionary Maintenance Facilities	860,000
Small Exped. Aircraft Maintenance Hangar/Apron	590,000
Subtotal, Aruba	10,250,000
Curacao:	
Airfield Pavement/Rinse Facility	29,500,000
Aircraft Maintenance Hangar/ Nose/Dock Apron	9,200,000
Expeditionary Maintenance Facilities	3,000,000
Expeditionary Squadron Ops/ AMU/Storage	2,200,000
Subtotal, Curacao	43,900,000
Various: Planning and Design	1,100,000
Subtotal, Various	1,100,000
Total	116,523,000

TITLE IV—LEWIS AND CLARK RURAL WATER SYSTEM

Lewis and Clark Rural Water System Project.—The conference agreement includes language authorizing the Lewis and Clark Rural Water System project in South Dakota. Both the House and Senate versions of the Lewis and Clark Rural Water System legislation contained provisions to make Pick-Sloan power that had been reserved for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin Program available at the firm power rate during the irrigation season, May 1 through October 31

each year, so long as the system is operated on a not-for-profit basis. Pick-Sloan capacity and energy will be provided by the Western Area Power Administration to the rural water system at the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by Western to the qualified preference power supplier, which will be responsible for delivery of Pick-Sloan power. The conferees understand that the qualified preference entity is entitled to include in its charges to the rural water system its other usual and customary charges. Additional power supply for the water supply project shall be provided in accordance with state law.

TITLE V—GENERAL PROVISIONS THIS DIVISION

Section 5102. The conference agreement includes a provision that repeals certain pay date shifts that were included in the Fiscal Year 2000 Consolidated Appropriations Act. That Act provided that when military members were to be paid on September 30, 2000, or when civilian employees were to be paid on September 29, 2000, or on September 30, 2000, these groups were to be paid on October 1, 2000.

Section 5103. The conference agreement includes a new provision that nullifies the final proviso of title VI of the fiscal year 2000 Foreign Operations, Export Financing, and Related Programs Appropriations Act.

Section 5104. The conference agreement includes a House provision that repeals Section 216 of the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2000. This section provides for the delayed obligation of funds within a number of accounts. As a result of this action, the department and agencies funded by this Act will be able to obligate funds in the normal pattern.

Section 5105. The conference agreement includes a new provision, which was requested in the fiscal year 2001 budget submission, that restores Supplemental Security Income payments to the appropriate year, so that all payments are made consistent with the normal rules for making SSI payments which come due on a weekend or non-banking day.

Section 5106. The conference agreement includes a new provision, which was requested in the fiscal year 2001 budget submission, that moves the pay date for veterans' compensation and pensions from fiscal year 2001 to fiscal year 2000.

Section 5107. The conference agreement includes a provision waiving sequestration for fiscal year 2000 for any of the supplemental funding included.

Section 5108. The conference agreement includes a provision that permits the Senate to consider fiscal year 2001 appropriations bills at the level of the fiscal year 2001 budget resolution.

Section 5109. The conference agreement includes a provision that shifts \$2,000,000,000 in outlays only from the defense category to the non-defense category without changing the aggregate totals. The provision affects the defense/non-defense firewall applicable to the Senate only under the terms of the fiscal year 2001 budget resolution.

DIVISION C

CERRO GRANDE FIRE

TITLE I—CERRO GRANDE FIRE ASSISTANCE ACT

COMPENSATION FOR VICTIMS OF CERRO GRANDE FIRE

FEDERAL EMERGENCY MANAGEMENT AGENCY CERRO GRANDE FIRE ASSISTANCE FUND AND CLAIMS OFFICE

The conferees have agreed to provide an appropriation of \$500,000,000 for the Federal

Emergency Agency to carry out the provisions of the Cerro Grande Fire Assistance Act.

The Cerro Grande Fire Assistance Act ("the Act") provides a comprehensive and expeditious process for the settlement of claims resulting from the Cerro Grande Fire, which was caused by the prescribed burn initiated by the National Park Service on Federal land at Bandelier National Monument in New Mexico. The claims process will be administered through a new Office of Cerro Grande Fire Claims at the Federal Emergency Management Agency (FEMA).

On May 4, 2000, the National Park Service initiated a prescribed burn on Federal land at Bandelier National Monument in New Mexico during the peak of the southwest fire season. One day later, the prescribed burn exceeded the containment capabilities of the National Park Service, was reclassified as a wildland burn, and quickly spread to other Federal and non-Federal lands. By May 7, 2000, the fire had grown in size, spreading to residential areas and causing the evacuation of several communities in northern New Mexico, including Los Alamos.

The Cerro Grande Fire was the largest forest fire in the state of New Mexico's history. The fire damaged or destroyed more than 48,000 acres of forest, 37 million trees, 439 homes, caused injuries, property damages and personal injuries to more than 1,000 families, countless businesses, the County of Los Alamos, the State of New Mexico, two Indian tribes and several other Federal and non-Federal entities. The Secretary of Interior and the National Park Service have assumed responsibility for the fire and the subsequent injuries which resulted from it.

The Act provides full compensation for injuries resulting from the Cerro Grande Fire. The term "injury" is given the same meaning as in the Federal Tort Claims Act. However, the Act contains an instructive list of allowable damages for injuries which constitute losses of property, business losses or financial losses. The conferees intend that FEMA compensate fully all injured parties for these enumerated damages if the damages resulted from the Cerro Grande Fire. The Act also gives FEMA the discretion to compensate fully injured parties for any other damages resulting from the fire which FEMA deems appropriate.

Those eligible for compensation through the claims process include all entities which suffered injuries resulting from the fire, including individuals, Indian tribes, corporations, tribal corporations, partnerships, companies, school districts, other state and local governmental entities and insurance companies. The conferees are aware that certain members of the Los Alamos community injured by the fire are non-citizens lawfully present in the United States who are otherwise ineligible for certain assistance from FEMA and other governmental agencies. The Act intends that these individuals be compensated for their losses in the same manner as any other injured party.

The Act requires that FEMA also compensate insurance companies as subrogees for claims paid to insureds for damages resulting from the fire. However, the Act makes clear that, to the maximum extent practicable, insurance companies should receive payment for their claims only after those claims submitted by other injured parties are satisfied.

The Act requires FEMA within 45 days of enactment of the Act to promulgate interim final regulations for the processing and payment of claims. Injured parties must file their claims within 2 years from the date on which such regulations are promulgated. FEMA must determine and fix the amount of payment of each claim within 180 days of its filing.

The conferees are concerned that injured parties only be compensated once for injuries resulting from the fire. To prevent double recoveries and to maintain an orderly claims process, the Act requires that injured parties elect to pursue damages for their injuries either by submitting a claim to the Cerro Grande Fire Claims Office or by filing a claim in the courts under the Federal Tort Claims Act or any other provision of law. If a party elects to file a claim with the Cerro Grande Fire Claims office, the party may not subsequently file a claim in court for the same damages. Conversely, parties who choose to pursue damages in a court of law may not file a claim under this Act.

The conferees recognize that disputes may arise over claims submitted under this Act. The Act preserves the rights of individuals to request judicial review of their final claims awards in the Federal District Court for the District of New Mexico. The Act also allows aggrieved claimants in lieu of Federal court to elect binding arbitration of their claims award by a neutral third party under a process to be determined by FEMA.

The conferees note that the responsibility given to FEMA under this Act is outside the scope of the work FEMA normally performs in managing disasters. The conferees have confidence that FEMA and its Director will manage the claims process in accordance with the intent of this Act, and that this new, temporary responsibility will not diminish FEMA's ability to manage other current and future disasters under the Stafford Act. The conferees also intend that no funds to administer this Act or pay claims will be derived from the Disaster Relief Fund.

TITLE II—CERRO GRANDE FIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY EMERGENCY CONSERVATION PROGRAM

The conference agreement provides an additional \$10,000,000 for the emergency conservation program (ECP), to remain available until expended. The conferees include language that allows ECP funds to be used to rehabilitate farmland damaged from fires that resulted from prescribed burning conducted by the Federal government, and exempts these funds from certain cost-share requirements.

NATURAL RESOURCES CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement recommends an additional \$4,000,000, to remain available until expended, to repair damages as a result of the Los Alamos, New Mexico fires.

DEPARTMENT OF ENERGY ATOMIC ENERGY DEFENSE ACTIVITIES CERRO GRANDE FIRE ACTIVITIES

The conference agreement appropriates \$138,000,000 for the Department of Energy for damage sustained by the Los Alamos National Laboratory in the Cerro Grande fire. The entire amounts has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conference agreement provides \$53,340,000 for physical damage, destruction repair and risk mitigation; \$27,260,000 for restoring services; \$39,400,000 for emergency response; and \$18,000,000 for resuming laboratory operations.

The Department is directed to provide a monthly report showing the estimated costs for each activity, the actual costs incurred, and a brief description of the activities performed. The Department should work with

the House and Senate Committees on Appropriations on the format for this report.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
OPERATION OF INDIAN PROGRAMS

The conference agreement provides \$8,982,000 in emergency funding for operation of Indian programs for the Pueblo of Santa Clara and the Pueblo of San Ildefonso for restoration, rehabilitation and reforestation of tribal lands and facilities damaged by the Cerro Grande fire in New Mexico. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as a emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION—THIS TITLE

Section 2101 allows members of the Pueblo of San Ildefonso and the Pueblo of Santa Clara to collect plants and minerals in the Bandelier National Monument. The extensive areas burned by the Cerro Grande fire have severely reduced the availability of

local plants, clays and soils traditionally used by these Pueblos. To allow their traditional ceremonies to continue uninterrupted, it is necessary to allow enrolled members of both Pueblos access to plant and mineral resources that are available in the Bandelier National Monument at quantities greater than allowed by current regulations of the National Park Service. These activities would be consistent with applicable laws governing the Monument.

For the consideration of the House bill and Division A of the Senate amendment and modifications committed to conference:

DAVID L. HOBSON,
JOHN EDWARD PORTER,
TODD TIAHRT,
JAMES T. WALSH,
DAN MILLER,
ROBERT B. ADERHOLT,
KAY GRANGER,
VIRGIL GOODE, Jr.,
C.W. BILL YOUNG,
JOHN W. OLVER,
CHET EDWARDS,
SAM FARR,

ALLEN BOYD,
NORMAN D. DICKS,
DAVID OBEY,

For the consideration of Division B of the Senate amendment and modifications committed to conference:

C.W. BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
HAROLD ROGERS,
JOE SKEEN,
SONNY CALLAHAN,
DAVID OBEY,
JOHN MURTHA,

Managers on the Part of the House.

CONRAD BURNS,
KAY BAILEY HUTCHISON,
LARRY CRAIG,
JON KYL,
TED STEVENS,
PATTY MURRAY,
HARRY REID,
DANIEL K. INOUE,
ROBERT C. BYRD,

Managers on the Part of the Senate.



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Senate

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

PRAYER

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

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

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

SCHEDULE

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

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

I thank the Chair and yield the floor.

INTERNAL REVENUE CODE OF 1986 AMENDMENT

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

The legislative clerk read as follows:

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

The PRESIDING OFFICER. Under the previous order, there will now be 7

minutes for closing remarks, with 5 minutes of that time to be under the control of the Senator from Arizona, Mr. MCCAIN.

The Senator from Arizona.

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

The PRESIDING OFFICER. The Senator from Wisconsin.

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

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

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

H.R. 4762 requires disclosure for political organizations which are tax exempt under section 527 of the Internal Revenue Code. 527 organizations which directly advocate the election or defeat

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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

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

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

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

Finally, I am concerned that this legislation requires the Internal Revenue Service to do things that it is not prepared to do with regard to disclosure. For example, under the bill reported out of the Ways and Means Committee, the IRS could partner with another agency—most likely the Federal Election Commission—to provide that the results of the 527 disclosure to the public. Unfortunately, this and other technical matters that were addressed in

the Ways and Means Committee bill were not incorporated in this bill. I fear that we will have to address these technical issues in the future in order to make the disclosure provisions work to effectively provide this information to the public.

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

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

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

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

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

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

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

UNDERSTANDING BUCKLEY'S DISCLOSURE LIMITATIONS

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

The Supreme Court was concerned that FECA could become a trap for unwary political speakers. Advocacy groups or individuals that participate in the national debate about important policy issues might discover that they had run afoul of federal campaign finance law restrictions simply by virtue of their having mentioned a federal candidate

in connection with a pressing public issue. The Court found that FECA's disclosure provisions, as written, raised potential problems both of vagueness and overbreadth.

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

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

The "express advocacy" limitation was intended by the Court to give protection to speakers that are not primarily engaged in influencing federal elections. However, because candidates and political committees have as their major purpose the influencing of elections, they are not entitled to the benefit of the "express advocacy" limiting construction. The Supreme Court never suggested, as no rational court would, that political candidates, political parties, or political committees can avoid all of FECA's requirements by simply eschewing the use of "express advocacy" in their communications. As discussed above, the Supreme Court wanted to avoid trapping the unwary political speaker in the web of FECA regulation. However, for political parties, political candidates, and political committees, which have influencing electoral outcomes as their central mission, there is no fear that they will be unwittingly or improperly subject to regulation.

* * * * *

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

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

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

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

The only other portion of the *Buckley* decision that raises the "express advocacy" narrowing construction is the Court's discussion of reporting and disclosure requirements under FECA section 434(e). It is here that the Court makes it absolutely clear, in unambiguous language, that *political committees and candidates are not entitled to the benefit of the narrowing "express advocacy" construction* earlier discussed in section 608(e).

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

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

The *Buckley* Court noted that the Court of Appeals had upheld section 434(e) as necessary to enforce the independent expenditure ceiling discussed above—section 608(e). *Id.* at 75. The Supreme Court, having just struck down these independent expenditure limits, concluded that the appellate court's

rationale would no longer suffice. *Id.* at 76. However, the *Buckley* Court concluded that section 434(e) was "not so intimately tied" to section 608(e) that it could not stand on its own. *Id.* at 76. Section 434(e), which predated the enactment of section 608(e) by several years, was an independent effort by Congress to obtain "total disclosure" of "every kind of political activity." *Id.* at 76.

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

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

"When we attempt to define 'expenditure' in a similarly narrow way we encounter line-drawing problems of the sort we faced in 18 U.S.C. §608(e)(1) (1970 ed., Supp. IV). Although the phrase, 'for the purpose of . . . influencing' an election or nomination, differs from the language used in §608(e)(1), it shares the same potential for encompassing both issue discussion and advocacy of a political result. The general requirement that 'political committees' and candidates disclose their expenditures could raise similar vagueness problems, for 'political committee' is defined only in terms of amount of annual 'contributions' and 'expenditures,' and could be interpreted to reach groups engaged purely in issue discussion. The lower courts have construed the words 'political committee' more narrowly. To fulfill the purposes of the Act they need only encompass organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate. Expenditures of candidates and of 'political committees' so construed can be assumed to fall within the core area sought to be addressed by Congress. They are, by definition, campaign related.

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

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

campaign related, and legitimately subject to regulation under FECA.

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

IMPLICATIONS FOR REGULATION OF SECTION 527 ORGANIZATIONS

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

Under the Internal Revenue Code, a Section 527 political organization is defined as "a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated *primarily for the purpose* of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function." 26 U.S.C. §527(e)(1) (emphasis added). An "exempt function" within the meaning of section 527 "means the function of *influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office* of office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed." 26 U.S.C. §527(e)(2) (emphasis added).

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

CONCLUSION

There is no question that the Supreme Court in *Buckley* was concerned with protecting the rights of advocacy groups and individuals to engage in constitutionally protected "issue advocacy." The Court was particularly concerned that the Federal Election Campaign Act, as written, would become a trap for unwary or unsophisticated political speakers. However, the Court also recognized that there are some groups of speakers—political candidates, political parties, and political committees—whose major purpose is engaging in electoral politics. For

these speakers, there is no danger of trapping the unwary, and thus, the Court provided them with no special constitutional protection. The actions of political candidates, political parties, and political committees are assumed to be campaign-related, and they are therefore appropriately subject to federal disclosure laws.

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

Very truly yours,

E. JOSHUA ROSENKRANZ,

President.

Mr. MOYNIHAN. Mr. President, while I support the objectives of this legislation, I regret that the Senate has chosen to rush ahead with a vote on this matter without following the customary Senate procedure. This bill should have been referred to its committee of jurisdiction, the Committee on Finance, and that committee ought to have had the opportunity to consider all its implications.

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

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

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

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

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

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

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

in our elections and government are paying the price.

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

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

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

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

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

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

It is important to note that the circumstances are different here than those that surrounded the Alabama government's treatment of the NAACP during the 1950's and 1960's. The Supreme Court recognized that the members of the NAACP had every right to be concerned for their own and their families' safety if their identities were

publicly disclosed. The prospect of public identification would have significantly discouraged people of color from joining the NAACP. While political contributors to 527 organizations may prefer to avoid public scrutiny, they have no need to fear for their lives as a result of that scrutiny.

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

Like our Congressional leaders, I believe the more disclosure the better—as long as the associated requirements are constitutional. Focusing narrowly on 527 organizations is one thing that sets H.R. 4762 apart from the Smith-McConnell legislation, to ensure that the legislation survives a constitutional test. I would like to submit a copy of the Smith-McConnell legislation, the Tax-Exempt Political Disclosure Act, into the record.

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

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

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

Unlike most, if not all, labor and business organizations, there is no way

to determine how many members there are in a 527. In the example I often cite, there were only two contributors, each funneling what appears to be at least one million dollars into the accounts to be used for campaign advocacy. While we may have no idea how many contributors there are in a 527, or how much each contributed, you can bet their favored candidates know.

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

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

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

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

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

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

It has also been expressed that if we are to target 527's, we should also have

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

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

So we crafted a bill that was neither overly broad or vague. We narrowly and clearly defined political activities as those that mention a candidate for office, targeted specifically to the candidate's electorate, within a time frame near an election. And we only targeted large-scale communications so grassroots organizations will not be affected.

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

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

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

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

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

why they should be able to support our approach.

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

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

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

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

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

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

INTERNAL REVENUE SERVICE

Mr. MOYNIHAN. I understand that this legislation would allow the Secretary of the Treasury to partner with other Federal agencies, principally the Federal Election Commission, in a manner similar to that contemplated

under the bill reported by the Ways and Means Committee. Is that understanding correct?

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

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

Mr. MCCONNELL. Mr. President, this debate has come a long way from the days of trying to regulate the speech of politicians and other major players on the American political scene. Just a few years ago, folks on the other side of the aisle were trying to get taxpayer funding for elections, spending limits for campaigns, and regulation of any group that mentioned a candidate in an ad two months before an election day. As recently as last year, there were measures being debated in the Senate that would have devastated the Republican Party in trying to compete with the Democrats and with well-funded outside groups who are almost wholly and completely affiliated with the Democrats—groups such as the labor unions, the plaintiffs' lawyers, the Sierra Club, and the League of Conservation Voters.

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

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

So in light of the limited impact of this relatively benign bill, I recommend to my Republican colleagues that they vote for this bill. I will not

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

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

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

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

In the Senate, a bipartisan coalition of those who believe in reform refused to relent on this matter: Senators SNOWE and LEVIN played key roles in

ensuring we move forward. Of course, I must pay special note of all the work done by Senators LIEBERMAN and FEINGOLD. I am proud not only to call them friends but partners in this crusade to return the Government to the people. I could be in no better company.

As I noted last night to all those who believe in reform, today is only the first step, but it is a great first step and it is, indeed, a great day for democracy and a Government that is accountable to the governed. I urge my colleagues to support this legislation.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 160 Leg.]

YEAS—92

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

NAYS—6

Coverdell	Inhofe	McConnell
Helms	Mack	Nickles

NOT VOTING—2

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

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

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

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

the spirit of the original Senate amendment.

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

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

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

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

The legislative clerk read as follows:

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

Pending:

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

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

The Senator from Tennessee is recognized.

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

Quality education depends on quality research. We need to know the answers, if our goal is accountability and student achievement, on what works and what does not work. As we all know, advances in education, as in other fields, depend on knowing what works and what doesn't. If you look at our past investments in research in the field of education, pre-K through 12,

our efforts have been woefully inadequate in terms of dollars and in the quality of the research that has been produced in the past.

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

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

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

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

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

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

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

The assistant legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 161 Leg.]

YEAS—98

Abraham	Byrd	Edwards
Akaka	Campbell	Enzi
Allard	Chafee, L.	Feingold
Ashcroft	Cleland	Feinstein
Baucus	Cochran	Fitzgerald
Bayh	Collins	Frist
Bennett	Conrad	Gorton
Biden	Coverdell	Graham
Bingaman	Craig	Gramm
Bond	Crapo	Grams
Boxer	Daschle	Grassley
Breaux	DeWine	Hagel
Brownback	Dodd	Harkin
Bryan	Domenici	Hatch
Bunning	Dorgan	Helms
Burns	Durbin	Hollings

Hutchinson	Lugar	Schumer
Hutchison	Mack	Sessions
Inhofe	McCain	Shelby
Jeffords	McConnell	Smith (NH)
Johnson	Mikulski	Smith (OR)
Kennedy	Moynihan	Snowe
Kerrey	Murkowski	Specter
Kerry	Murray	Stevens
Kohl	Nickles	Thomas
Kyl	Reed	Thompson
Landrieu	Reid	Thurmond
Lautenberg	Robb	Torricelli
Leahy	Roberts	Voinovich
Levin	Rockefeller	Warner
Lieberman	Roth	Wellstone
Lincoln	Santorum	Wyden
Lott	Sarbanes	

NOT VOTING—2

Gregg

Inouye

The amendment (No. 3654) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

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

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

The Senator from Iowa.

AMENDMENT NO. 3688

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, we have just had a discussion, and it may be that someone on our side of the aisle will want to offer a second-degree

amendment. We are prepared, and have taken the quorum call off, on the assurance that that opportunity will be present.

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

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

The minority leader.

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

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

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

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

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

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

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

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

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

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

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

He added:

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

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

Genetic discrimination isn't just a theoretical possibility. It isn't just something that might happen in the future. It is already happening—even without the information the human genome promises to uncover.

It is already happening to people like Terri Sargent.

Terri was a model employee who was moving up the corporate ladder—until

the day a test revealed that she carried a gene that might—here I emphasize “might”—make her more susceptible to a potentially fatal pulmonary condition.

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

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

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

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

Our bill has three major components:

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

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

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

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

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

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

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

our understanding of the humane genome will be in vain.

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

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

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

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

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

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

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

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

Tragically, the vast potential of genetic knowledge to improve health care will go unfulfilled if patients fear that information about their genetic characteristics will be used as the basis for job discrimination or other prejudices. To realize the unprecedented opportunities presented by these new discoveries, we must guarantee that private medical information remains private and that genetic information cannot be used for improper purposes.

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

The amendment would prohibit health insurers and employers from using predictive genetic information to discriminate in the health care system and the workplace. It would bar insur-

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

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

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

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

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

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

the health care they need based solely on the result of a genetic test or medical history of a family member.

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

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

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

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

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

Dr. Craig Venter, the president of the company that led the privately-financed genome sequencing effort, has

testified before the Joint Economic Committee that genetic discrimination is "the biggest barrier against having a real medical revolution based on this tremendous new scientific information."

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

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

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

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

Make no mistake: The potential for genetic discrimination is growing. Already DNA "chips" are available that can determine a person's genetic traits in only a few minutes. In the near future, genetic tests will become even cheaper and more widely available than they are today. If we do not pass legislation to ban genetic discrimination, it may become commonplace for an employer to require such tests, and to use the results of these tests to decide which employees to hire or promote and which to deny such advancement, based in whole or in part on their perceived risk for disease.

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

quire this information use it in hiring decisions.

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

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

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

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

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

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

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

THE PRESIDING OFFICER. The Senator from Pennsylvania.

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

THE PRESIDING OFFICER. It has.

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

What we would like to do is have an opportunity to propose a second-degree amendment and then to arrange an orderly debate and have the votes. That

is going to take a few minutes for us to accomplish. In the interim, it is our hope that we can move along and get a short time agreement on the Ashcroft amendment, to present that and conclude it. By that time, our people will be in a position to present the second-degree amendment. We can figure out a time agreement and move ahead.

The PRESIDING OFFICER. The Senator from Nevada.

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

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

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

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

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

Mr. REID. The Senator from Connecticut.

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

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

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

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

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

Mr. REID. Senator DORGAN wishes 7 minutes.

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

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

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

I strongly support what Senator DASCHLE is proposing in his amendment on genetic discrimination. The world received wonderful news this past week that the genetic code had been deciphered. This discovery is breathtaking in scope, and I suspect over the next 50 years we are going to see it change the nature of medicine in this country. So it is really a remark-

able occurrence, one that has been heralded, and properly so, for giving us the ability to understand ourselves better. I applaud the remarkable work done by the NIH and Celera.

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

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

Let me share with you one anecdote. Last year I visited Yale University to hear about some of the genetics research that is being conducted there. One of the studies is attempting to determine the likelihood of certain women developing breast cancer by studying twin girls. They are getting to the point where they can determine almost at the birth, the possibility of individuals contracting breast cancer as adults. It is incredible information to have. Imagine parents of a newborn baby knowing, because of the genetic makeup of that child, that the baby has a possibility of contracting breast cancer. All of a sudden, diets change and lifestyles change. Prevention measures can be taken. These are the kinds of things the deciphering of the genome is going to be able to do for us.

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

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

This need not be a partisan issue. Senator DOMENICI and I, 3 years ago, introduced legislation similar to this bill. We thought it was critical to bring

up and address both insurance and employment discrimination. Two years ago, many colleagues joined our colleague from Maine, Senator SNOWE, who also offered strong legislation protecting patients from genetic discrimination in insurance. We have an opportunity today, with the breakthroughs announced on Monday of this week, to really say as a body—Republicans and Democrats across the board—this is an area where we are going to, early on, establish some ground rules when it comes to the use of genetic information.

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

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

The PRESIDING OFFICER. The Senator from North Dakota.

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

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

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

At this moment, I understand there are meetings going on right now somewhere in this building by a small group of people who are dealing with a piece of legislation that was cobbled together around 3 o'clock in the morning a couple of days ago dealing with the issue of imposing sanctions on food and medicine around the world, and whether that will be added to the supplemental bill that will be considered perhaps later today or tomorrow. If that is added, in my judgment, it is going to cause significant trouble.

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

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

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

I want to point out an article in the Washington Post. I will come later with the legislation itself. But the

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

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

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

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

I think we ought not give up here. We ought to fight on behalf of our family farmers and others to say that we want to abolish the use of sanctions that include food and medicine.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. DORGAN. Yes.

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

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

Second, it says on financial assistance that you can't have any Government support for Libya, Iran, North

Korea, and Sudan. And then, on private financing, it says no financing on the part of the U.S. Government, any State or local government, private person, or entity—including, I suspect, even foreign financing.

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

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

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

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

The issue of genetic discrimination is a timely debate in light of the recent announcement that science has conquered the genetic code. This is a major milestone that brings us closer to finding cure for cancer, heart disease, diabetes, Parkinsons, M.S., and a whole host of other tragic diseases.

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

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

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

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

The PRESIDING OFFICER. Under the previous order, the Senator from

Missouri, Mr. ASHCROFT, is recognized to offer an amendment.

AMENDMENT NO. 3689

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. ASHCROFT), for himself and Mr. VOINOVICH, Mr. ALLARD, Mr. GRAMS, and Mr. ABRAHAM, proposes an amendment numbered 3689.

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

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

The amendment is as follows:

At the end, insert the following:

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

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

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

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

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

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

(B) the congressional budget; or

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

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

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

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

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

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

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

"(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause or increase an on-budget deficit for any fiscal year.

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

(3) **SUPER MAJORITY REQUIREMENT.**—

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

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

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

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

"§ 1100. Protection of social security and medicare surpluses

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

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

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

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

AMENDMENT NO. 3690

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

Strike all after the first word and insert the following:

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

SEC. __. 1. SHORT TITLE.

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

SEC. __. 2. STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.

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

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

(b) **SUPER MAJORITY REQUIREMENT.**—

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

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

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

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

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

SEC. 3. MEDICARE TRUST FUND OFF-BUDGET.**(a) IN GENERAL.—**

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

“EXCLUSION OF MEDICARE TRUST FUND FROM ALL BUDGETS

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

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

“(2) the congressional budget; or

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

“(b) STRENGTHENING MEDICARE POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend this section.”.

(2) SUPER MAJORITY REQUIREMENT.—

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

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

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

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

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

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

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

“(1) SOCIAL SECURITY.—It shall”; and

(2) inserting at the end the following:

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

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

“(4) ENFORCEMENT OF MEDICARE LEVELS IN THE SENATE.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill,

joint resolution, amendment, motion, or conference report that would cause a decrease in surpluses or an increase in deficits of the Federal Hospital Insurance Trust Fund in any year relative to the levels set forth in the applicable resolution. This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph.”.

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

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

“Medicare as funded through the Federal Hospital Insurance Trust Fund.”.

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

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

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

SEC. 4. PREVENTING ON-BUDGET DEFICITS.

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

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

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

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

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

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

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

(b) SUPER MAJORITY REQUIREMENT.—

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

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

AMENDMENTS NOS. 3689 AND 3690

The PRESIDING OFFICER. The Senator from Missouri.

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

Having developed at least a budget rule to protect the Social Security

trust fund, I think it is important for us to look to the protection of other trust funds that are important to the well-being of the people of this country and to protect them as well.

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

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

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

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

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

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

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

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

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

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

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

resentative Wally Herger and opposed by only two House Members.

Now, there are a lot of Members of this body who will want to protect, I believe, the Medicare trust fund sustaining the capacity of our Government to provide the hospitalization we have promised to individuals who are eligible for Medicare. I am pleased there are Members of this body who join me in cosponsoring this amendment, one of whom is Senator ABRAHAM from Michigan. He has been active in the lockbox movement to protect Social Security, to make sure that Social Security is not invaded for other spending, and much of the success we have had in protecting every dime of Social Security in the trust fund this year should flow to Senator ABRAHAM of Michigan. I am pleased he has endorsed this and is a cosponsor of this measure with me in the Senate.

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

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

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

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

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

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

Let me quote further from the White House release, because I believe the

President has described the Medicare lockbox proposal in my amendment, which I proposed last November, in a very simple, understandable manner:

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

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

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

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

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

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

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

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

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

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

Mr. SPECTER. On or in relation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

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

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

UNANIMOUS CONSENT REQUEST— S. 2340

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

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

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

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

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

Part of what I am doing here is this: I made a commitment to the sponsors to try to find a way to consider this on some bill, or freestanding at some

point. In order to complete work on the Department of Defense authorization bill, now that we have worked through the disclosure issue, this issue is one we also need to find a way to address. That is why I am asking for this consent.

Mr. President, I submit that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

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

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

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

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

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

Mr. REID. I would be happy to yield.

The PRESIDING OFFICER. Objection is heard.

The majority leader has the floor.

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

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

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

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

Mr. REID. That is true.

Mr. KENNEDY. That is not to be included.

Mr. LOTT. Mr. President, I did not include that. But I would be happy to work up an agreement where we could bring that back and have germane amendments on the Elementary and Secondary Education Act, have an agreed-to list of amendments that are

germane, so we can deal with that important issue. I will be glad to work with Senator KENNEDY or anybody else to try to get that agreement.

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Nevada.

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

In the meantime, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

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

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

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

There will be two votes on amendments, each treated as a first-degree amendment. The first vote will be on the Conrad amendment in regular order. The second vote will be on the Ashcroft amendment. There will be no

points of order raised. Senator ASHCROFT will have 20 minutes because he already had time to speak. Senator CONRAD will have 30 minutes to speak.

I ask unanimous consent.

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

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

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

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

May we proceed, Mr. President?

The PRESIDING OFFICER. Is there objection?

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

Mr. SPECTER. Twenty minutes is requested.

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

Mr. SPECTER. Would the Senator like 30 minutes?

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

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

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

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

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

Mr. CONRAD. I need about 20 minutes.

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

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

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

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

Mr. REID. Now we are up to 55.

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

The Senator from Missouri.

Mr. ASHCROFT. I yield myself 5 minutes.

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

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

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

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

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

I believe the Senate will sign a Medicare lockbox measure. That would send a powerful message. A lockbox amend-

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

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

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

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

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

AMENDMENT NO. 3690

The PRESIDING OFFICER. The Senator from North Dakota.

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

This amendment is simple but important.

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

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

According to the Office of Management and Budget, the Medicare trust fund will run a surplus of over \$400 billion from the year 2001 to 2010. Taking these surpluses off budget and locking them away will ensure that they are used only for Medicare and to pay down the debt. Taking the Medicare trust fund off budget, as in Social Security off budget, will ensure that these payroll taxes that workers pay will be used to meet the future demographic challenges Medicare and Social Security face.

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

Medicare is absolutely critical to the health and economic well-being of nearly 40 million senior citizens. Before Medicare, many of our senior citizens were one major medical event away from poverty. Today, our seniors enjoy the security of knowing Medicare is there for them. We should not put at

risk Medicare because of a failure to protect Medicare from raids for other purposes. We have been through this on Social Security.

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

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

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

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

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

If we look at the Congressional Budget Act of 1974, and I direct my colleagues to page 17, on the bottom of

that page are laid out the specific protections we provide for Social Security. We provide them for Medicare in the amendment that I am offering. The Senator from Missouri has failed to do so. He has left them out. For some reason he is giving lesser protection to Medicare than we give to Social Security. My amendment solves that fatal flaw that is in the amendment of the Senator from Missouri.

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

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

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

In addition, we strengthen existing points of order protecting Social Security by enforcing points of order against reducing the Social Security surplus in every year covered by the budget resolution rather than only in the first year and the total of all years covered by the budget resolution as current law provides.

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

The amendment of the Senator from Missouri would allow the Medicare trust fund surplus in the year 2000 to be raided of every penny. We should not allow that. That is not a lockbox; that is a "leakbox." We are trying to con-

struct a lockbox here to protect Medicare, not a figleaf that will make people believe we protected Medicare but really open up a gigantic loophole that would allow for raids on Medicare as we used to see on Social Security.

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

I yield the floor.

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

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

The PRESIDING OFFICER. The proponents have 34 minutes remaining.

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

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

This amendment is based on a proposal first put forward last week by Vice President GORE. And I want to commend the Vice President for his leadership in this area. As he has argued so forcefully, it is wrong for Congress to use Social Security or Medicare surpluses as a piggy bank either for tax breaks or new spending. Instead, Social Security and Medicare should be taken off the table, and out of the Federal budget.

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

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

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

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

I am hopeful that Republican opposition to protecting Medicare is softening, and I give Vice President GORE a

lot of the credit for that. He has taken the lead and put this issue at the forefront of the public agenda. With the spotlight now clearly on the Congress, I am optimistic that we will respond.

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

That is what this amendment does.

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

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

In addition, the amendment would protect Medicare from across-the-board cuts that could be triggered if Congress exceeds other budgetary limits. Under current law—the so-called "pay-as-you-go" rules—if Congress raids surpluses either for tax breaks or mandatory spending, Medicare automatically gets cut. That is not right, and that will end under this amendment.

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

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

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

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

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

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

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

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

For example, if legislation was proposed that reduced revenues into Medicare's Trust Fund and increased the possibility of earlier Medicare insolvency, that legislation would not be subject to a point of order under the present Ashcroft amendment. That is because, again, the Ashcroft amendment isn't really designed to protect the solvency of Medicare. It is only designed to prevent on-budget deficits. And that just doesn't go far enough.

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

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

The PRESIDING OFFICER. The Senator from Iowa.

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

What do I mean by "lockbox"? What I mean is that we are trying to treat Medicare as we treat Social Security; that we are going to say that in the future, the Medicare trust fund should be off budget, should not be counted in budget totals, that it should be off

budget and should not in any way be able to be tapped into by this Congress or any succeeding Congress to pay for any deficit, to pay for any tax cuts, to pay for any other kind of spending in which this Congress or any future Congress wants to engage.

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

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

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

What we are saying on the Democratic side is, no, no deal. We are going to take Social Security and Medicare off budget, lock the money away, you cannot tap into it for tax cuts or spending or anything else.

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

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

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

What the Conrad amendment does is take the Medicare money our people have paid out of their payroll taxes and puts it in a box, just as Ashcroft does,

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

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

Maybe some people here believe that. I don't believe that. Senator Conrad does not believe that because it is his amendment. What he says is, we will put it in that box and lock it. The only thing you can use that money for is Medicare, just as we should only use Social Security for Social Security.

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

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

The PRESIDING OFFICER. Ten minutes remain.

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

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

I yield back whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Missouri.

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

The PRESIDING OFFICER. The Senator from Michigan.

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

Today, we are moving in the direction of getting final votes on both a

form of Social Security lockbox and on the issue of locking up Medicare. I think that is an important step.

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

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

I do not think implications of intent with respect to the future spending of these dollars that are being made are on point with the intent of the draft Senator ASHCROFT has offered. I think his goal is very clearly to try to protect the surplus in Social Security from being spent, period. I think that is his motive. I will leave it to him to comment.

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

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

As I talk to constituents in my State, and from comments made by

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

I don't think we should lose sight of the circumstances in which it has come about. Senator ASHCROFT, myself, Senator DOMENICI, and others in the budget process have worked to make sure there were in place the kinds of budget rules that precluded Social Security surpluses from being spent on other things. This year taxpayers who have been so disappointed in the past that such moneys were used for other purposes are going to receive the good news that they were not and that they are not going to be in the future. Indeed, this year's budget resolution, as last year's, incorporates the kinds of rules that will protect it. I am proud to have been involved in the drafting of those rules.

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

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

I yield the floor.

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

The Senator from West Virginia is recognized.

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

The PRESIDING OFFICER. Is there objection?

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

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

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

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

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

The PRESIDING OFFICER. There are 30 minutes remaining.

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

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I apologize for imposing myself at this moment. But I had noticed several quorums of considerable length, and I thought this might be a good time to have a statement made. I thank all Senators.

"THE SEARCH FOR JESUS"

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

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

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

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

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

advertising, giving the effort the appearance, at the very least, of a high-toned money grab.

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

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

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

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

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

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

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

[From the Washington Post, June 25, 2000]
HE'S EVERYWHERE BUT HERE
(By Tom Shales)

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

And it's not much more illuminating to watch.

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

The program, at 9 tonight on Channel 7, is peppered with disingenuous disclaimers. "We are very aware of our limitations," Jennings says at one point, though much about the program suggests journalistic arrogance and hauteur. He concedes that it is difficult for a reporter "to get the story right" in this case, but isn't it rather presumptuous even to try? A little later, when Jennings says the question of Jesus's divinity is "a matter of taste," he sounds ridiculously nonchalant about a topic of the deepest spiritual profundity.

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

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

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

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

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

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

It's also suggested, despite the daring Jennings pronouncement that Jesus was "controversial," that Jesus may in fact have been

"a rather minor character" in the political turmoil of the era.

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

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

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

It is a search that leads nowhere. Slowly.

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

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

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

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

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

First of all, everybody should think for a minute. What kind of lockbox must the Democrats have when they have resisted a lockbox five times? That was a lockbox we came up with that the distinguished Senator from Michigan, Mr. ABRAHAM, introduced with me and others. And five times the Democrats have resisted it and have

not let us pass it. That ought to put up a little bit of a question: what is the difference between the two, since all of a sudden today on an appropriations bill—which probably means amendments are going to go nowhere other than to make a little racket here—we have two distinguished and good colleagues of mine adopting a Democrat lockbox for Social Security.

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

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

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

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

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

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

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

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

If you do the Abraham-Domenici-Ashcroft lockbox for Social Security, you have to introduce a bill, say we want to change the debt limit as Social Security impacts it. Frankly, I am very proud to have come up with that idea. I think my friend from Michigan

would acknowledge I came up with it. I am very proud of him. For a long time, he has been trying to get that voted on. He has told people what he was for, as Senator ASHCROFT has. We have not had a vote.

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

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

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

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

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

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

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

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

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

I yield the floor.

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

Mr. CONRAD. I say to my colleague and my friend from New Mexico, his

last reference is to a provision that says you can spend Medicare money for Medicare programs. That is so we can have a BBA add-back, a balanced budget add-back, for Medicare, as we did last year. There is nothing mysterious about that.

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

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

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

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

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

I yield the floor.

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

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

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

The PRESIDING OFFICER. The Senator from Missouri.

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

The PRESIDING OFFICER. The Senator from Michigan.

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

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

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

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

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

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

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

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

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

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

I thank the Chair.

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

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

The PRESIDING OFFICER. There remain 17 minutes.

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

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

I think the way the Senate works, they certainly have an ability to prevent votes. But so do we. I hope we will not have to get to the point where we have to engage both sides in those kinds of tactics. We have certainly demonstrated today a willingness to have a vote on his Social Security lockbox proposal. The concerns he raised in the letter that was written by Secretary Rubin, the long-since de-

parted Secretary of the Treasury, were in fact responded to by us in the modifications that we brought in the most recent version of this lockbox.

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

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

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

The PRESIDING OFFICER. The Senator from Missouri.

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

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

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

There are a lot of folks who have come to the floor talking about how they wanted this for a long time. Frankly, we have not had this kind of

debate on protecting the Medicare trust fund in my memory. When I filed this legislation last November, I was not aware of any, and I still do not know that there is, any other legislation similar to this that had been filed at that time. I am delighted we are making this progress. I commend people on both sides of the aisle for this progress.

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri is recognized.

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

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

Mr. ASHCROFT. Mr. President, I begin—

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

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

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

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

Mr. REID. I apologize.

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

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

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

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

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

They now say the reason they were filibustering—one time they said it is

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

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

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

That is, Medicare trust fund—

for purposes relating to programs within part A of the Medicare as provided in law on date of enactment of this paragraph.

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

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

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

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

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

May I inquire as to the time remaining?

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

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

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

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

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

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

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

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

I have been working on this for over 2 years. Early in 1999, S. 502, the Social Security Safe Deposit Act, was incorporated in the fiscal year 2000 budget resolution, and again in the fiscal year 2001 budget resolution, with those kinds of rules. That is why we have the durability of at least the rules.

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

While both offer the same point of order protection for Medicare, my amendment does not have the hole in the side of the box and, as a result, I think it is stronger. But, very frankly,

I want to work with folks on the other side of the aisle who agree with me on this issue. I am not opposed to the idea of our working together to get it done.

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

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

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

I yield the floor.

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

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

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

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

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

That fatal flaw is that his protection does not work. It does not work because, under the Ashcroft amendment, no point of order would apply against legislation that would use Medicare surpluses for other purposes. The result of that is, under the Ashcroft amendment, the Medicare trust fund could be depleted for any purpose as long as the overall budget remained in balance. That is the problem with the amendment of the Senator from Missouri.

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

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

Now, why would we do that? If we are serious about protecting Medicare, wouldn't we have the same points of order apply to protect Medicare in the

same way that we protect Social Security? I would hope so. Because if we do not, the hard reality is the amendment of the Senator from Missouri would permit us to go and raid every penny of the Social Security surplus or every penny of the Medicare surplus this year and use it for another purpose. That is a mistake.

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

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

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

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

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

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

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

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

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

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

VOTE ON AMENDMENT NO. 3690

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

The assistant legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 162 Leg.]

YEAS—60

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

NAYS—37

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

NOT VOTING—3

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

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

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

The motion to lay on the table was agreed to.

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

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

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

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

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

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

[Rollcall Vote No. 163 Leg.]

YEAS—54

Abraham	DeWine	Inhofe
Allard	Domenici	Jeffords
Ashcroft	Enzi	Kyl
Bennett	Feingold	Lott
Bond	Fitzgerald	Lugar
Brownback	Frist	Mack
Bunning	Gorton	McCain
Burns	Gramm	McConnell
Campbell	Grams	Murkowski
Chafee, L.	Grassley	Nickles
Cochran	Hagel	Roberts
Collins	Hatch	Roth
Coverdell	Helms	Santorum
Craig	Hutchinson	Sessions
Crapo	Hutchison	Shelby

Smith (NH)
Smith (OR)
Snowe

Specter
Thomas
Thompson

Thurmond
Voinovich
Warner

NAYS—43

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

NOT VOTING—3

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

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

The motion to lay on the table was agreed to.

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

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

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

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

The PRESIDING OFFICER. The Democratic leader.

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

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

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

lowing the debate on the two amendments.

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

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

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

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

Who yields time?

AMENDMENT NO. 3691

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

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

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

The legislative clerk read as follows:

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

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

Mr. JEFFORDS. Mr. President, may I inquire of the Chair as to the amount of time I have?

The PRESIDING OFFICER. The Senator from Vermont has 30 minutes.

The Senator from South Dakota has 30 minutes.

Mr. JEFFORDS. Mr. President, this week's announcement of the completion of the rough draft of the human genetic map is cause for both celebration and concern.

One of the challenges that comes to mind immediately is that we must protect Americans against genetic self-incrimination. What we are, should not be used against us.

This vast new storehouse of knowledge must be used to advance, not retard, individuals' health and welfare.

In 1998, the Senate Labor and Human Resources Committee held a hearing on genetic information and health care which proved to be one of the most important of the 105th Congress.

Following the hearing, I and Senator FRIST, with the other members of the HELP Committee, together with Senator MACK and Senator SNOWE, began drafting legislation that builds on Senator SNOWE's bill, S. 89, to ensure that individuals would be able to control the use of their predictive genetic information.

After a lot of hard work, we agreed to a set of strong protections against the use of genetic information to discriminate in health care. The results of these efforts are reflected in the genetic information provisions of The Patients' Bill of Rights Plus.

As Dr. Francis Collins, director of the public genomic effort, pointed out this week:

Most of the sequencing of the human genome by this international consortium has been done in just the last fifteen months.

The pace of change is rapid, and this issue has increased in importance since our hearing two years ago.

Everyone in this Chamber and outside of it agrees we need to guard genetic privacy and guard against genetic discrimination.

Citing a study that found that 46 percent of Americans thought that the consequences of the Human Genome Project would be negative, Dr. Craig Venter said:

New laws to protect us from genetic discrimination are critical in order to maximize the medical benefits from genome discoveries.

That's why it's included in the Bill of Patients' Rights passed by the Senate as our body of scientific knowledge about genetics increases, so, too, do the concerns about how this information may be used.

There is no question that our understanding of genetics has brought us to a new future. Our challenge as a Congress is to enact legislation to help ensure that our society reaps the full health benefits of genetic testing, and also to put to rest any concerns that the information will be used as a new tool to discriminate against specific ethnic groups or individual Americans.

Our amendment which is already in the Patients' Bill of Rights, addresses the concerns that were raised at our hearing two years ago:

First, it prohibits group health plans and health insurance companies in all markets from adjusting premiums on the basis of predictive genetic information;

Second, it prohibits group health plans and health insurance companies from requesting predictive genetic information as a condition of enrollment.

Finally, it bars health plans from requiring that an individual disclose or authorize the collection of predictive genetic information for diagnosis, treatment, or payment purposes. A plan or insurer may request such information, but if it does, it must provide individuals with a description of the procedures in place to safeguard the confidentiality of the information.

Our amendment is identical to the provision adopted by the Senate last July. We should adopt it again today.

Technology and scientific developments, stimulated by the Human Genome Project, have led to remarkable progress in genetics and better understanding of alterations in genes that are associated with diseases in humans. We should witness extraordinary opportunities to diagnose, treat, and prevent disease.

With the enactment of this amendment, we will be able to ensure that these breakthroughs will be used to provide better health for all members of our society.

A second challenge that we face is the possibility that employers might use genetic information to screen employees for various purposes, discriminating against one group or another based on genetic information. This, too, I think we should prevent.

I am not sure, and I do not think anyone in this Chamber can be sure, that we do not already do so. It was my understanding that the Americans With Disabilities Act already outlawed genetic discrimination in employment.

That was certainly Congress' intent when we enacted the ADA.

I am not alone in my belief. The Equal Employment Opportunity Commission has interpreted the ADA as including genetic information relating to illness, disease or other disorders and the Supreme Court issued a decision that provided further support for this position.

As recently as March of this year, EEOC Commissioner Paul Miller stated that the ADA does indeed cover genetic discrimination. However, if I am mistaken, then this just highlights the need for further examination of the issue.

I am also concerned that Senator DASCHLE's amendment contains new statutory language that is different from the ADA, which would result in treating genetics differently than other health care information.

More and more, I think this will be an increasingly difficult line to draw.

If that is not confusing enough, there is yet another definition of genetic information that is part of the rule being promulgated by the Department of Health and Human Services to protect individually identifiable health information.

I want to guard against employment discrimination, but I want to do it right.

The Health, Education, Labor, and Pensions Committee will hold a hearing in the next month or two on genetic discrimination in the workplace.

In the hearing, the committee will explore whether the ADA adequately covers genetic discrimination in the workplace. If we find that the ADA does not provide adequate coverage for genetic discrimination in the workplace then we will work to enact legislation that will provide adequate protection.

However, I think it is important that any law we enact is in parity with the ADA and our other employment discrimination laws.

Senator DASCHLE's amendment has good intentions, but putting provisions regarding genetic discrimination in employment into an appropriations bill, without studying the issue further, is inappropriate. This issue deserves and requires a thorough discussion in its own forum.

Again, I urge adoption of my amendment. It has already been agreed to by the Senate, and it is the product of two years of thought and hard work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, we now know what this is all about. Some of our Republican colleagues are going to try to convince a majority in this body that employment ought not be included when we consider discrimination based upon genetic character. I do not think employment discrimination should be treated differently from insurance discrimination. I do not think people who have experienced discrimination, as we have already seen in so many illustrations, ought to be told they have to be concerned about their job simply because of some genetic defect.

That has already happened. We have already seen that happen in case after case. I described a case this morning where Terri Seargent, who had moved up the corporate ladder and was given promotion after promotion, was asked to resign when it was learned that she had the genetic marker for "Alpha 1". No woman, no man, no person, no employee, should be subjected to discrimination based upon genetic characteristics, and that is happening today.

ADA passed a long time ago. That law did not envision the challenges science presents us today. We are simply proposing that we clarify that it should be unlawful to discriminate on the basis of genetic information.

The bottom line question is, when it comes down to these two proposals, whether we should prohibit both health insurers and employers from using predictive genetic information in a discriminatory fashion? There is agreement, at least with regard to one issue: we should prohibit health insurers from doing it, but our Republican colleagues—at least the senior Senator from Vermont—are saying we just should not cover employers. We should not do it because he would like to have us believe it is already being done. Tell that to Terri Seargent. Tell that to myriad other people who already have had difficulty explaining their situation, in large measure because they have found some genetic defect.

We agree that insurance companies should not discriminate. We agree there should not be any tests for conditions of coverage. We simply disagree at this moment about whether or not we ought to take what we have already done for virtually every other form of discrimination in this country and extend it to genetic information.

The senior Senator from Vermont says no, he does not want to do that. But I cannot imagine that in this day, in this age, given what we are doing with the genome project and our recognition of what it will mean, both good and bad, for this country and for our people that now is not the time to ensure that, regardless of circumstance, we will not allow this to be used as a means of discrimination in the workplace.

Listen to what Francis Collins, one of the key people who headed the international research team that makes up

the human genome project, said about this very issue:

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

This is from the head of the research unit. He does not have any question about whether or not ADA covers genetic discrimination. He has already decided. He is the head of the research team. He said this ought to be a wake-up call; let's ban it today. He did not say let's wait for more hearings. He did not say let's get out there and try to figure out a way to do it through regulation. He said this ought to be a wake-up call. That is not TOM DASCHLE; that is not Terri Seargent who has been discriminated against; that is Francis Collins, the head of the international research project calling upon the Senate today to ban discrimination based upon employment. It cannot be any clearer than that, Mr. President.

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

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. JEFFORDS. I yield the Senator from Tennessee 7 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 7 minutes.

Mr. FRIST. Mr. President, earlier this week we received tremendously exciting news in that we essentially had completion of the mapping of the human genome. It is tremendously exciting to me, both as a policymaker but also as a physician, as someone who has spent his life taking care of thousands of patients because it introduces a whole new way of thinking that in the history of mankind we just simply have not had. Now there will be whole new ways of thinking.

I think we should salute both Craig Venter from Celera and Francis Collins for pioneering, for leading this great effort, which will totally change the way we do such things as engineer drugs, the so-called gene drugs. Now and into the future, we can begin to think how we use our own genes, our own proteins, our own metabolites in such a way that they become the pharmaceutical agent instead of a manufactured drug.

It changes the way we will think about organ replacement. Before I came to the Senate, I would make an incision, remove a diseased heart, and have to put in a new heart. Hopefully, 10 years from now, or 15 years from now, when we transplant kidneys or a pancreas, or other organs, we will be able to engineer them based on what we have uncovered.

A third area which this human genome project opens up, as we look to the future, is that of genetic testing. We have been talking about and debating the issue of genetic testing over the last couple hours. That is where you can take a swab, and by rubbing that swap over an array, a pattern of DNA that is lined up, you will be able to pre-

dict that a person has a 75-percent chance of getting prostate cancer 10 years from now or a 90-percent chance a person will have breast cancer.

The potential good is the change in behavior, the change in lifestyle, the change in the intervention that can come about to preempt, preclude, stop the progress of cancer.

Unfortunately, as has been laid out and debated today, there are potential dangers, potential harm, if that information is misused. Should policy-makers address this potential abuse of genetic information in the workplace? There is no question; yes, we have a responsibility.

Technology has given us new tools which give us new ways to think about gene therapy, organ replacement, genetic testing, and the treatment of cancers and heart disease. We are obligated to make sure the barriers are lowered to take the good in the development of science but also minimize whatever harm there might potentially be.

But to do that, what is our responsibility? Not to have a knee-jerk reaction and accept a proposal which very few people in this body have even read, much less studied, discussed, and debated. But first, we should focus on the issues that we have studied, that we have addressed in committee, that we have debated, including the input we have solicited from doctors, physicians, scientists, and consumer groups, with both sides of the aisle coming to certain agreements.

Let us start there and systematically address these ethical-type issues which have been introduced by this new science just 3 days ago. Let's not have a knee-jerk reaction until every Senator can ask the important questions.

I agree 100 percent that we should not discriminate in any way using predictive genetic information in the workplace. That needs to be put first. I think it is unfair for the other side to say we are for discrimination in the workplace by genetic testing. It is just unfair. It is just unfair because we are against that.

But to address the policies, in looking at this amendment that has been offered today by Senator DASCHLE and his colleagues, there is a health insurance section. I have read most of that because I have had several hours to do that. I read a little of the employment section. The genetic privacy is very complicated. I can tell you, we need to discuss that a lot more.

As to the various definitions of what a predictive genetic test is, I would have to say, the genetic tests they are talking about, where they are actually talking about metabolites, I don't know, I will have to go out and talk to the real experts, but they may go too far.

So I do not want to pass a major reform bill that will potentially totally underwrite or change the way we treat people in the workplace based on definitions that I do not fully agree with

now. But I do not know enough about it until we can talk to people broadly.

This whole expansion of penalties in the fourth section of the bill, I do not know exactly what we are penalizing, if it is just that one statement of penalizing people who use genetic information. First of all, it depends on what that definition is—which I do not agree with—but if it goes beyond that—and I don't know whether it does—I need to know that.

I say all that because this amendment Senator DASCHLE has offered simply has not been vetted. It has not been discussed. I have been involved in the genetic debates with my colleagues on both sides of the aisle—some initial discussions—but I can tell you, we have not gone into any sort of detail on this whole issue of expanding penalties in this expanded, complicated field of genetic privacy and employment.

The one area that has been mentioned is that of health care quality and the use of genetic information in health care, in the health insurance arena.

It is very clear that patients need to be free to undergo genetic testing because that can influence, in a positive way, the outcome of their health care. If they receive information that there is an 80-percent chance they will develop breast cancer, that is likely to change how many times they do self-exams a week, how often they go to the doctor, how often they get a mammogram. That information should be used. There should be no chance that information will be used by an insurance company to discriminate against them in denying them insurance.

It can change lifestyle. If there is a test with an 80-percent chance that you will develop lung cancer, you will want to know that. Why? Because it can change lifestyle.

We have a bill we have debated extensively since 1996 which does just that. Our bill, the Jeffords-Frist bill, prohibits health insurers from requiring patients to undergo genetic testing and prohibits health insurers from using genetic information to deny coverage or set rates for currently healthy individuals who may be at risk for a future disease.

Again, this issue has been vetted through the process, has been vetted through Chairman JEFFORDS' committee. Discussion has gone on. In 1995, the debate in the markup of the Kassebaum-Kennedy bill was extensive in numerous areas.

Mr. President, I urge our colleagues to adopt the amendment Chairman JEFFORDS has offered.

The PRESIDING OFFICER. The time has expired.

The Democratic leader.

Mr. DASCHLE. Mr. President, let me just respond to a few of the arguments posed by the Senator from Tennessee.

First of all, with regard to the technicalities to which he made reference, I do not know what technicalities and what information could be murky about what it is we are trying to do.

We simply say there should not be any employment discrimination based on genetic information. That is it. He talked about these discrimination actions being subjected to a mysterious penalty. All we have said in section 4 of the bill is that if you think you were discriminated against, you can go to court and have a court make some decision with regard to whether there is discrimination or not. That is the penalty. We do not prescribe any penalties. We prescribe some degree of accountability. We simply say, if you think you were discriminated against, you get to sue, period. That is all.

On another point, let me say that the legislation proposed by our Republican colleagues has already been analyzed in some detail as part of their Patients' Bill of Rights, as the Senator from Vermont has said.

On April 12, Senator HARKIN received a letter from 59 health organizations that wrote with concern about the language propounded in this amendment by the Senator from Vermont. Fifty-nine health organizations have already said: This is not the way we ought to do it.

They don't need more hearings. They don't need more information. They have looked at the bill. They have come to the conclusion that if we are going to write public policy regarding genetic discrimination, this isn't it.

I ask unanimous consent that the letter and names of all 59 organizations be printed in the RECORD.

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

APRIL 12, 2000.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: In the very near future, scientists will have deciphered the entire human genetic code, providing human beings with more information about our health than ever before. Tests are already available that can detect genetic traits associated with particular diseases, and the use of such tests is expected to increase dramatically in coming years.

Genetic testing will improve our lives by providing information on how we can prevent future health problems, and cope more effectively with unavoidable conditions. But the ability to predict diseases through genetic testing and family history opens troubling questions about discrimination, particularly in employment and health care.

As you begin to consider the House and Senate versions of managed care reform, we write to draw your attention to Title III of S. 1344, the Senate bill. We commend the Senate for including provisions intended to protect individuals from discrimination in health insurance based on genetic information. However, we believe that the provisions in the Senate bill as currently crafted are inadequate to meet the challenges raised by the extraordinary scientific advances of our time.

Without comprehensive protections covering both employment and health care, patients have reason to fear that their genetic information could be used as a basis for discrimination. Many health care professionals report that because of these fears many patients are reluctant to participate in impor-

tant clinical studies that require genetic testing, slowing medical and scientific progress.

The undersigned organizations, representing patients, people with disabilities, consumers, women's and civil rights organizations and many others, urge the conferees to retain and improve Title III of the Senate Bill in the final conference bill, by incorporating the following changes.

1. Add meaningful penalties and sanctions. As currently drafted, the provision for punishing violators is tremendously weak. Without meaningful mechanisms for holding violators accountable, even the strongest genetic discrimination protections become meaningless. Victims of discrimination must have the ability to enforce their rights in state or federal court and to receive appropriate legal and equitable relief.

2. Add protections from discrimination in employment. As currently drafted, the Senate bill bans discrimination by group health plans and issuers, but provides no protection against job-based discrimination. Thus, even if group health plans and issuers are prevented from misusing genetic information, the very same information could be used against individuals in employment. Genetic information must not be misused to deny people employment opportunities.

3. Prevent unauthorized disclosure of genetic information. One of the best ways to protect people against discrimination is to prevent the disclosure of information to those in a position to misuse it. There is no federal law that prohibits group health plans or issuers from disclosing people's genetic information. We urge the committee to add strong protections against disclosure of genetic information.

4. Clarify plans' limited ability to request predictive genetic information. S. 1344 provides that a plan can request (but not require) that an individual disclose predictive genetic information for purposes of "diagnosis, treatment, or payment." We are concerned that this formulation makes it possible for plans to obtain an individual's genetic information in an overly broad set of circumstances. This language should be rewritten to clarify that when plans are seeking information related to payment for genetic services received, they may only request such evidence as is minimally necessary to verify that an individual received the services. In such circumstances, only individuals within the plan or insurance company who need access to the information for purposes of that claim should have access to it.

5. Clarify definition of "Predictive Genetic Information." As currently drafted, S. 1344's definition of predictive genetic information is potentially confusing. The legislation states that "predictive genetic information" means information "in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information." This phrasing is potentially troubling, because "diagnosis" is a fairly broad and imprecise term. In fact, as doctors and scientists learn more about genetics, it is possible that someday they will consider the presence or absence of a particular genetic trait a "diagnosis." Thus, we suggest that this phrase be rewritten to read "in the absence of symptoms or clinical signs, and a diagnosis", in order to clarify that the presence or absence of a genetic trait should not be considered a "diagnosis" if the individual has no symptoms or clinical signs, and genetic information would not be excluded from protection under those circumstances.

The definition of predictive genetic information in S. 1344 also specifically excludes information derived from "physical tests, such as the chemical, blood, or urine anal-

yses of the individual including cholesterol tests; and information about physical exams of the individual." This language should be clarified so that it is clear that genetic information derived from either physical tests or physical exams is considered protected information. This can be accomplished by adding language such as "unless the physical test [or physical exam] reveals genetic information."

We would like to discuss these issues with you further at your convenience. Please feel free to contact Susannah Baruch at the National Partnership for Women & Families (202) 986-2600 if you have any questions about this letter. We commend you on your willingness to take on these critical and complex issues, and we wish you well as the conference continues its work.

American Association of Occupational Health Nurses, Inc.
American Association of People with Disabilities
American Association on Mental Retardation
American Cancer Society
American College of Nurse-Midwives
American Civil Liberties Union
American Health Information Management Association
American Heart Association
American Hemochromatosis Society
American Jewish Congress
American Nurses Association
Association of Women's Health, Obstetric and Neonatal Nurses
Beckwith-Wiedemann Support Network
Canavan Foundation
CARE Foundation (Cardiac Arrhythmia Research and Education Foundation)
Center for Patient Advocacy
Coalition for Heritable Disorders of Connective Tissue
Crohn's and Colitis Foundation of America
Digestive Disease National Coalition
DNA Dynamics
Dystonia Medical Foundation
The Ehlers-Danlos National Foundation
Genetic Alliance
Great Lakes Regional Genetics Group
Hadassah
Hemochromatosis Foundation
Intestinal Multiple Polyposis and Colorectal Cancer (IMPACC)
Little People of America, Inc.
National Medical Journeys Network
National Association for Pseudoxanthoma Elasticum (NAPE, Inc.)
National Association of People with AIDS
National Coalition for Cancer Survivorship
National Hemophilia Foundation
National Incontinence Pigment Foundation
National Marfan Foundation
National Multiple Sclerosis Society
National Organization for Rare Disorders (NORD)
National Osteoporosis Foundation
National Ovarian Cancer Alliance
National Partnership for Women & Families
National Pemphigus Foundation
National Society of Genetic Counselors
National Tay-Sachs & Allied Diseases Association
National Tuberosclerosis Association
National Women's Health Network
National Workrights Institute
National Women's Law Center
Oncology Nursing Society
Polycystic Kidney Foundation
Religious Action Center of Reform Judaism
Ruth G. Gold
Spondylitis Association of America
Susan G. Komen Breast Cancer Foundation
The Sturge-Weber Foundation
The Title II Community AIDS National Network

Tourette Syndrome Association
 Union of American Hebrew Congregations
 University of North Dakota School of Medicine and Health Science, Division of Med. Genetics, Dept. of Pediatrics
 Xavier University Health Education Program

Mr. DASCHLE. We have the director of the National Human Genome Research Institute who has said we have to pass a bill immediately to bar discrimination in the workplace. We have a bill pending that will allow us to do just that. We have another bill pending that does not provide that protection in terms of discrimination. Fifty-nine health organizations, including the American Association of Occupational Health Nurses, the Genetic Alliance, the CARE Foundation, the Oncology Nursing Society have said: Please, do more than the legislation offered by the Senator from Vermont.

So it isn't just Dr. Collins, it isn't just Terri Seargent, it is a list of health organizations, the likes of which you rarely see, who have come together to say: We ought to do better than this.

I yield 5 minutes to the distinguished senior Senator from the State of Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. SPECTER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts will withhold.

Mr. SPECTER. Isn't it the rule of the Senate that the first person seeking recognition gets recognition and the Senator does not have the authority to yield to another Senator without unanimous consent?

The PRESIDING OFFICER. The time is under the control of the Senator from South Dakota. He had the floor and is in control of the time, and he may yield time since he is on the floor and has recognition.

Mr. SPECTER. Mr. President, does that ruling supersede the rule that the first Senator seeking recognition gets it?

The PRESIDING OFFICER. The Senator was recognized and had the floor at the time that he yielded.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want the record to show that I was on my feet seeking recognition at the time the Senator from South Dakota yielded the time.

I want to take a moment of the Senate's time to review what has happened in terms of this policy issue in the Human Resource Committee so there is no confusion about it. We had a hearing on genetic discrimination in health insurance on 21 May 1998. That was a good hearing. That was in 1998.

Then, in May of 1998, a number of us asked the chairman of the committee to have a further hearing about discrimination in the workplace. We have not received it. So I don't take kindly to those who suggest that when we

raise this issue on the Senate floor, we are somehow acting out of order. Our committee, the committee of jurisdiction, has tried to focus attention on the dangers of the utilization of genetic information toward possible discrimination for health insurance and employment, and we have been unable to do so. Thankfully, with the Daschle amendment, we will have the opportunity to do so this afternoon.

The Jeffords amendment pretends to be a half a loaf because it addresses insurance, but does not address employment. But it is not a half a loaf. It is no more than a thin crust or a thin slice. It will not deal with the central problem of people failing to get needed genetic tests because of unfair discrimination. That is the issue. As long as they can lose their job and as long as their children can be denied jobs, this protection is no protection at all. This program is as full of holes as Swiss cheese. They can still require genetic information. They can still disclose it, and there is still no meaningful enforcement. An insurance company can still get the information to the employer. There is no prohibition on that in the amendment of the Senator from Vermont. They can still do that.

The fact is, they are doing that. In a 1990 survey by the American Management Association, 20 percent of employers collected family medical history information on applicants, including genetic information. Five percent of the employers acknowledged using that information in hiring decisions. We already know that employers are using genetic information to make employment decisions. We must ensure that employees and applicants are not discouraged against getting those kinds of tests. That is what this is all about.

I ask for 1 more minute.

Mr. DASCHLE. I yield the Senator 1 more minute.

Mr. KENNEDY. As Senator DASCHLE pointed out, there is a group of more than 60 organizations that support the Daschle amendment. The National Breast Cancer Coalition is, once again, supporting the Daschle amendment:

Passage of this amendment, and the protections it offers, are essential not only for women with a genetic predisposition to breast cancer, but also for women living with breast cancer, their families, and the millions of women who will be diagnosed with breast cancer. We strongly urge you to support this legislation.

Let us stand with the patients. Let us stand with the victims. Let us not stand only with the insurance companies.

That is what this issue is about. I hope the Jeffords amendment will be defeated.

Mr. President, I ask unanimous consent to print in the RECORD a letter from the National Breast Cancer Coalition.

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

NATIONAL BREAST CANCER COALITION,
 Washington, DC, June 29, 2000.

Senator EDWARD KENNEDY,
 Senate Committee on Health, Education, Labor and Pensions (Minority), Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the National Breast Cancer Coalition (NBCC), I am writing to urge you to support Senators Daschle, Kennedy, Dodd and Harkin's Genetic Nondiscrimination in Health Insurance and Employment Act, S. 1322, being offered today as an amendment to the Fiscal Year 2001 Labor, Health and Human Services, and Education Departments appropriations bill.

NBCC is a grassroots advocacy organization made up of over 500 organizations and tens of thousands of individuals, their families and friends. We are dedicated to the eradication of the breast cancer epidemic through action and advocacy. Addressing the complex privacy, insurance and employment discrimination questions raised by evolving genetic discoveries is one of our top priorities.

In light of the recent announcement by the White House about the completion of initial sequencing of the human genome, the National Breast Cancer Coalition is cautiously optimistic about this important step in learning more about disease, prevention, treatment and cure. However, while the mapping of the "genetic blueprint" has potential for great advancements in healthcare, there is also the potential for great harm. NBCC is committed to working to ensure that employers and health insurers do not use genetic information to discriminate. Information learned from one's genetic blueprint should only be used to cure and prevent various genetic diseases and cancer.

Discrimination in health insurance and employment is a serious problem. In addition to the risks of losing one's insurance or job, the fear of potential discrimination threatens both a woman's decision to use new genetic technologies and seek the best medical care from her physician. It also limits the ability to conduct the research necessary to understand the cause and find a cure for breast cancer.

The Kassebaum-Kennedy Health Insurance Reform Act (1996) took some significant steps toward extending protection in the area of genetic discrimination in health insurance. But it did not go far enough. Moreover, since the enactment of Kassebaum-Kennedy, there have been incredible discoveries at a very rapid rate that offer fascinating insights in the biology of breast cancer, but that may also expose individuals to an increased risk of discrimination based on their genetic information. For instance, because of the discovery of BRCA1 and BRCA2, breast cancer susceptibility genes, we now face the reality of a test that can detect the risk of breast cancer. Genetic testing may well lead to the promise of improved health as we better learn how genes work. But if women are too fearful to get tested, they won't be able to benefit from the knowledge genetic testing might offer.

We commend the efforts of Senators Daschle, Kennedy, Dodd and Harkin to go beyond Kassebaum-Kennedy toward ensuring that all individuals—not just those in group health plans—are guaranteed protection against discrimination in the health insurance and employment arenas based on their genetic information. S. 1322 would also guarantee individuals important protections against rate hikes based on genetic information, would prohibit insurers from demanding access to genetic information contained in medical records or family histories, and would restrict insurers' release of genetic information.

Passage of this amendment, and the protections it offers, are essential not only for

women with a genetic predisposition to breast cancer, but also for women living with breast cancer, their families, and the millions of women who will be diagnosed with breast cancer. We strongly urge you to support this legislation.

Thank you for your support. Please do not hesitate to call me or NBCC's Government Relations Manager, Jennifer Katz at (202) 973-0595 if you have any questions.

Sincerely,

FRAN VISCO,
President.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had sought a parliamentary inquiry a few minutes ago. I am glad to wait 5 minutes until Senator KENNEDY has finished his comments. I have asked the Parliamentarian to review his rules.

There was a very heated exchange for more than an hour back in 1987, shortly after Senator BYRD had Senator Packwood arrested, as to the practice of having one Senator, the leader, yield time to other Senators. I believe the correct application of the rule is that the first Senator who seeks recognition is recognized and then the question arises as to whether time will be yielded to him when there is a time agreement. That is the point I was making. I have no concern about waiting 5 minutes or longer for another Senator. I do have a concern about the propriety of a Senator being recognized who first seeks recognition.

I have sought recognition to comment briefly about this legislation. I believe the Jeffords amendment is a solid amendment. His committee has looked into this issue very extensively with respect to eliminating discrimination based upon genes and medical information and research with respect to health care.

I do think the objectives of the Daschle amendment are sound, in seeking to avoid discrimination in employment as well as in health care. I have had an opportunity to review the Daschle amendment very briefly. From the review which I have made and which staff has made, I have some grave concerns about some of the provisions which are very complicated and which have not been subjected to hearings.

Again, I think its objectives are laudable. I think the American people do expect protection and confidentiality on these issues on employment as well as on health care.

I express my concern about our ability to handle this matter in conference on this state of the record. I think it is more than a matter of people's rights and obligations and objectives and what we ought to have. We need to have a bill which sticks together, which makes sense, and which will stand the kind of scrutiny and examination and analysis to which it will be subjected.

One of the grave problems our legislation has, when subjected to judicial review, is that it is hard to figure out sometimes, especially when there are

no hearings, no markups, and no analysis. I have discussed with the Senator from Vermont the possibility of his committee having hearings in July. He may have a problem with that. My subcommittee will have hearings on this subject so that if the Daschle amendment passes and we have in conference its consideration, we will try to work through the complexities of this legislation.

Again, I think the objectives of what Senator DASCHLE looks to are exactly right. I do think those people who vote against the Daschle amendment are going to be questioned for not having concerns about privacy on a very important matter.

Last week we had a motion to recommend this bill for prescription drugs. If that motion had passed, I, frankly, don't know what my subcommittee would have done on prescription drugs. Our subcommittee is a very competent subcommittee, but I don't know that our competence extends to legislating on prescription drugs, taking that into account and working that through, which is really a matter for the Finance Committee. I have been questioned about why I was unwilling to have the recommitment. I have said, because I have the responsibility for dealing with it as the manager of the bill.

So there is a lot to recommend the Daschle amendment in terms of objectives and moving along, but I caution my colleagues about where we end up in terms of this bill without the hearings, without the refinement, without the analysis. I am not making any critique or criticism of the author of the bill. Any bill which is constructed without hearings and without markup and without that kind of rigorous analysis has natural problems. Even with hearings and with markup, there are still problems that have to be worked out.

I express my agreement with the Senator from Vermont on his legislation, express my agreement with the objectives of the legislation of the Senator from South Dakota, and say that if we have it in conference, we will do our best to try to work through the kinds of problems and deal with this very important issue.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. DASCHLE. Mr. President, I have immense respect for the Senator from Pennsylvania and consider him a very able legislator. I am disappointed that he will be opposing my amendment when we have our vote.

Mr. SPECTER. If the Senator will yield, I ask him what makes him think I am going to oppose his legislation?

Mr. DASCHLE. I thought he announced he intended to oppose it because we didn't have hearings. If there is still an opportunity to gain his support, I will give him all the time he needs to further discuss the issue.

Mr. SPECTER. Mr. President, I am very much inclined to support the

Daschle legislation, but I recognize the job ahead of trying to work it through for the reasons I have said. I think the objectives are admirable. I am not committed yet. I want to hear the balance of his argument. I have not stated an intention to oppose it.

Mr. DASCHLE. Mr. President, I appreciate the clarification. I am delighted to hear that there is still some hope I can persuade him with the merits of our legislation.

To ensure that everybody understands—I think it is pretty basic—three-fourths of the people in this country obtain their health insurance through their employer. Whether or not employers may discriminate against employees and potential employees on the basis of genetic information, in large measure, will be determined by whether or not we write into law a pretty simple concept. It doesn't take any complex legalism to say, look, you should not discriminate based upon genetic information, period. If you think you are discriminated against, you ought to have recourse in a court of law. That is all we are saying.

Now, the Jeffords amendment provides no protection against employment discrimination. That is clear. It does not prohibit insurers from disclosing the results of genetic tests without consent. That is clear. It does not prohibit the use of predictive genetic information for hiring, advancement, salary, or other workplace rights and privileges. That is clear. It doesn't provide persons who have suffered genetic discrimination in either arena with the right to seek redress through a legal action. That is clear.

It is no wonder that 59 health organizations have said: We have looked at what Senator JEFFORDS is proposing and we think you can do better. That is no accident. They are asking us not to support this legislation because there is no meaningful protection in the Jeffords amendment.

I am all for more hearings, but it is ironic—how many times has the majority bypassed a committee to go straight to the floor without hearings on bills of great import? We are going to do that as soon as we come back from the Fourth of July recess. We are going to vote on an estate tax provision that will cost, in the full 10-year period, three quarters of \$1 trillion; we are going to vote on it without one hearing, without one committee markup. I will bet you we are not going to hear the argument by the other side that we ought to have hearings on that. This is pretty simple. This is basic math. If you don't want discrimination in the workplace, vote for the Daschle amendment.

Mr. President, I yield 5 minutes to the distinguished Senator from Iowa, Mr. HARKIN.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I am supporting the amendment of the Senator from South Dakota because I have been involved in this issue for a long time. In 1989, when I was chairman of the subcommittee that my good friend, Senator SPECTER, chairs now, we started funding for the Human Genome Center at NIH. So I have been involved in this effort for a long time and am very supportive of it.

I could not have been happier with the announcement that came out this week that we have now completed the map, and they will be completing the sequencing of the human genome. With that, we are going to have a very powerful diagnostic tool that will allow medical practitioners to more accurately assess the health of an individual and their proclivity to come down with an illness or a disease, or to be more predictive of what kind of illnesses to which a person might be subject.

Well, that is a very powerful diagnostic tool, and it is going to do a lot to help millions of people all over this world. There may be other spinoffs in terms of gene therapy, and things such as that, but I wish to focus on the diagnostic tool that will help people get better control over their health care. That is the upside.

The downside is that in the hands of the wrong person this information could then be used to discriminate against a person who may have a genetic predisposition toward a certain illness. As I understand it, both of the amendments we have before us—the one by the Senator from Vermont and the one by the Senator from South Dakota—prohibit discrimination when it comes to insurance. Well, that is all well and good, but that is only a part of it.

Why the amendment of the Senator from South Dakota is the one we need to adopt is that it also prohibits discrimination in the workplace. Why is that important? I understand that earlier my friend from Vermont said we didn't have to be too concerned about this because the Americans With Disabilities Act covered the workplace. Well, as the chief sponsor of the Americans With Disabilities Act, and one who has lived with it since its inception back in the 1980s, I say to my friend from Vermont that some lower courts have ruled, for example, that breast cancer is not a disability, so the ADA really does not cover the workplace when you come to genetic discrimination. Some lower courts have held that breast cancer is not a disability and not covered by the ADA. If they rule that, are they then going to rule that the gene for breast cancer is covered? Hardly.

So that is why I wanted to take this time to make it clear that genetic predispositions and disorders should be covered in employment, because of some of these lower court rulings regarding the Americans With Disabilities Act. So that is why it is so important that we have it in the workplace.

Secondly, we need to have better enforcement. The penalties that are in the amendment offered by the Senator from Vermont are toothless—\$100 a day. Well, a large business concern can factor that into their cost of doing business. That is not really a stiff enough penalty.

It seems to me that if I am discriminated against, under the law, I ought to have a private right of action; I ought to be able to go to court and say, wait a minute, my rights are being abused, my civil rights are being abused. And if we have this law that says you can't discriminate against someone because of their genetic predisposition, that person ought to have a right of action. That person ought to be able to go to court and seek redress. So that is why I say the Daschle amendment is the only one that really protects people both in the workplace and in insurance.

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

Mr. DASCHLE. Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

Although many of us came into today's debate believing that the ADA did in fact cover genetic discrimination in the workplace, we certainly understand the importance of this issue and of the need to hold a hearing on this issue. However, I would like to emphasize that as recently as a few months ago experts in employment law and, in particular, EEOC Commissioner Paul Miller is quoted as stating that

*** discrimination against an employee on the basis of diagnosed genetic predispositions toward an asymptomatic condition or illness is covered under the ADA's "regarded as disabled" prong.

So it is not as if we approached this debate believing that employees should not be protected against genetic discrimination in the workplace. We simply thought that they already were covered.

I want to reassure my colleagues that the HELP Committee will hold a hearing in the near future on this issue and that if we find that the ADA is not providing protection to workers we will develop and pass legislation to ensure that genetic information is properly protected. I yield 4 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I thank the Senator from Vermont.

Mr. President, I rise today with the Senator from Vermont, chairman of the Health, Education, Labor, and Pensions Committee. The matter of genetic discrimination in employment has taken on new relevance given a number of recent events. Most notably, the Human Genome Project announced this week that the "rough draft" of the map of some 3 billion human genes has

just been completed. This just became a sexy issue. While there are months, if not years, of research still required to realize the potential of this information, we must be responsive to the range of pros and cons regarding its use.

The committee has spent a lot of time developing a bill to address where there do appear to be gaps in preventing discrimination. Those gaps are most apparent in health insurance, where a person's health information, as well as his family's health history, are a determinant in their access to coverage. This is an immediate concern that requires our immediate response. That is why I strongly support the amendment being offered by Senator FRIST, which would prohibit insurance companies from discriminating based on a person's genetic makeup.

The amendment Senator DASCHLE has offered also attempts to address genetic discrimination in employment. Unfortunately, this issue is not nearly as clear cut. Until very recently, the prevailing opinion among employment discrimination experts was that genetic discrimination was already captured under the Americans with Disabilities Act (or "ADA"). In fact, it is still not clear that the ADA does not cover genetic discrimination. Even as recently as March 24 of this year, the Commissioner of the Equal Employment Opportunity Commission, Paul Miller, told the American Bar Association genetic discrimination was covered under title I of the ADA. Specifically, Commissioner Miller said protect against genetic discrimination was provided by the prong of the act which prevents discrimination against people who are regarded as disabled.

However, because no court has ever ruled definitively on this issue and because of some related—but not controlling—recent Supreme Court cases, I understand that there may now be some insecurity about whether genetic discrimination is covered by the ADA. And understandably, this insecurity is being increased by the recent announcement of the Human Genome Project.

We are sympathetic to this insecurity, and I think we can all agree that employers should not be permitted to discriminate against employees based on genetic information in the same manner that employers may not discriminate based on disability, gender, race, age, and other characteristics. I believe our committee needs to evaluate the conflicting evidence as to whether or not genetic discrimination is already covered under current law, particularly in light of the recent scientific developments. I support holding a hearing on this issue as soon as possible and I understand my colleague Senator JEFFORDS has scheduled a hearing on this issue for July 11. We should examine not only the question of whether the ADA captures genetic discrimination, but also what the implications are for the numerous workplace and work force issues that will

arise based on the availability of genetics. Safety concerns and privacy concerns being the most important. Also, I believe we should consider genetic discrimination in employment in the broader context of the cultural implications and evaluate the historical experience with genetic information. Researching this issue has been a 10-year priority of the Human Genome Project's Ethical, Legal and Social Implications (ELSI) program. I welcome my colleagues to join the hearing process in a bipartisan effort to address this matter.

Given the complexity of this issue, I believe it is critical that we not rush to accept Senator DASCHLE's amendment without resolving all of these important issues. We may determine that new legislation is necessary to protect against genetic discrimination—and if it is necessary, we will work hard to pass it. But Senator DASCHLE's amendment simply goes too far. We must be certain that any new legislation is comparable to existing discrimination legislation. Senator DASCHLE's amendment is not comparable, it is much broader.

For example, Senator DASCHLE's amendment would permit unlimited damages for genetic discrimination. It would also permit parties to completely bypass the Equal Employment Opportunity Commission—the federal body set up to deal with employment discrimination disputes—and go straight to federal court. This is significantly more extensive than the ADA, the ADEA and title VII discrimination protections. This just makes no sense at all. Under Senator DASCHLE's amendment, an individual with a genetic marker showing he may at some future point develop a genetic disease or condition would have more protection than a paraplegic. Again I say this makes no sense at all. And it will overtax federal courts and juries with highly complex genetic issues and give opportunistic trial lawyers a jackpot.

If Senator DASCHLE has a valid reason why genetics should have such substantial additional protections, I welcome him to come to our committee hearing and explain them, but we should be very careful not to rush into such significant legislation and treat genetic information differently than existing diseases, disorders, and illnesses. If we accept Senator DASCHLE's amendment, we are simply not doing our job. Again, I think we can all agree that genetic discrimination should not be permitted, but I think we should also be able to agree not to pass legislation on such a significant and important issue without having all the proper information before us. I urge my colleagues to vote against Senator DASCHLE's amendment so that we can examine this issue through the proper procedural channels and pass responsible, reasonable legislation if such legislation is necessary.

There isn't anybody here who wants to have any discrimination done on a

genetic basis, or any other basis, in the workplace or in health care. We are being lead to believe that this is a very simple bill, and that we ought to accept it. "Simple" is not 50 pages. Simple is the statement that the Senator from South Dakota made. But 50 pages to explain that means it is a lot more complicated than the explanation we are being given. We don't want discrimination. Quite frankly, I think one of the reasons we are being presented with this is a good example of why you don't legislate on appropriations bills and avoid the entire process. It is a handy way to do it. If I had a bill, that is how I might try to do it too. But it isn't the right way to do it.

I hope we will step back a minute and go through the procedure for doing a 50-page bill that covers something as important to people as discrimination in the workplace, or discrimination in any other place.

If this bill passes, a person who can find and accidentally disclose a genetic marker will have greater protection in the workplace than a paraplegic would. Not only that—this allows people to bypass the legal system. You can go immediately to court.

This will become a turnstile for trial attorneys. This becomes a jackpot proposition. This will clog the courts, if it passes. It will be a heyday. Every single trial attorney will have their own slot machine. That is not what we are trying to do.

This isn't an area that just comes under the workplace safety and training subcommittee that I chair. It also comes under the health committee that Senator FRIST chairs.

It is a topic that our entire committee needs to address and will address. But it has to be done through a hearing process so we don't wind up with some of the unintended consequences that I have just mentioned.

As far as the Americans With Disabilities Act, on March 24 of this year, the commissioner of the Equal Employment Opportunity Commission, Paul Miller, told the American Bar Association that genetic discrimination was covered under title I of the ADA. I guess that is why this 50-page "simple" bill bypasses the Equal Employment Opportunity Commission. We shouldn't bypass that group. That is a bill for protection and for having a hearing process for individuals. The commissioner of the Equal Employment Opportunity Commission says it is covered under title I of the ADA. Maybe there have been some decisions that have come out since.

We can't just be doing knee-jerk legislation on an appropriations bill. This is an issue that deserves time and consideration, and a hearing that will produce the kind of bill of which we can be proud—the kind of bill that has some opportunity for amendment.

I know if we were trying to pass a bill of that magnitude and precluded the minority from having any say-so, or any amendment, they would raise a

little bit of a fuss, as they have on other occasions, and as we do on occasion.

I don't believe there should be legislation on appropriations bills.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I have great admiration for the Senator from Wyoming. I have worked with him on many issues. I never find it easy to disagree with a colleague, but let me say with regard to his argument that this is going to be a turnstile to more lawsuits; that is the same argument used on so many occasions and that was used against the ADA.

I was on the floor. I remember those debates so well. I participated in them. They said this was going to cause a flurry of lawsuits.

Who today would vote to repeal the ADA? I daresay not one Senator—Republican or Democrat.

He made reference to the EEOC's position on whether the ADA covers genetic discrimination. I hope they are right. But what is wrong with making absolutely sure they are right? That is what this bill does. This bill isn't complicated. I know some of our colleagues would like to point to the volume of this amendment and say that bulk is clear evidence of complication.

We are simply saying, as simply as we can, that you shouldn't discriminate in the workplace; and, if you do, you ought to have some opportunity to redress that problem.

I have a real concern as well about what inaction means for research. Dr. Craig Venter was on the Hill on several occasions and has made several public statements. His concern about discrimination is one that we ought to be truly appreciative of as well. Dr. Venter, president of Celera Genomics, said:

The biggest concern I have is genetic discrimination. This would be the biggest barrier against having a real medical revolution based on this tremendous new scientific information.

Dr. Venter is worried, if we see discrimination, that automatically and almost immediately it is going to bottle up his opportunity to continue the research.

I go to the next chart, and look at what others have said. Dr. Collins, somebody I have quoted on several occasions, says:

Genetic information and genetic technology can be used in ways that are fundamentally unjust . . . Already, people have lost their jobs, lost their health insurance, and lost their economic well-being because of the misuse of genetic information.

It doesn't get any clearer than that. First, you have the top researcher saying they are concerned about the ramifications of a lack of congressional action, not only for job discrimination, but for research. Then you have Dr. Collins who says we have already seen cases where people have lost their jobs and lost their health insurance as a result of this.

The Secretary's Advisory Committee on Genetic Testing was equally as concerned in their public statement. Keep in mind that this isn't some Democratic advocate; this is the Advisory Committee on Genetic Testing. This is a quote:

Federal legislation should be enacted to prohibit discrimination in employment and health insurance based on genetic information. . . Without these protections, individuals will be reluctant to participate in research on, or the application of, genetic testing.

How much more information do we need? How many more hearings do we have to have when you have the most credible experts anywhere to be found, here or anywhere else, who are pleading with the Congress to do something before it gets even worse, before more people lose their jobs and their health insurance, and before we see some real ramifications with regard to medical testing?

That is what we are doing. That is what this amendment does. That is why it needs to be passed this afternoon.

I retain the remainder of my time and yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator MACK be added as a cosponsor of this bill.

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

Mrs. SNOWE. Mr. President, I rise to speak in support of the amendment being offered by Senators JEFFORDS and FRIST on genetic nondiscrimination in health insurance. This amendment, based on language I authored with Senator JEFFORDS and Senator FRIST, provides strong protection to all Americans against the unfair and improper use of genetic information for insurance purposes.

This amendment will:

Prohibit insurers from collecting genetic information

Prohibit insurers from using predictive genetic information, such as family background or the results of a genetic test, to deny coverage or to set premiums and rates, and

Require insurers to inform patients of their health plan's confidentiality practices and safeguards.

The need for this legislation is clear. As Senators DASCHLE and DODD pointed out this morning the announcement this week that scientists have completed their mapping of the human gene is a remarkable and historic event. It opens the door to new scientific breakthroughs that may well help lead us one day to the cause and the cure for cancer, for Parkinson's and for Alzheimer's disease.

This remarkable new tool has the potential, unfortunately, to become a dangerous tool. Because knowledge is power—Mr. President—and an insurance company could use genetic information to deny insurance to an individual because they know that the person is predisposed to a particular disease or health problem.

Consider a letter that I received from a constituent, Bonnie Lee Tucker, of Hampden, Maine, who wrote:

I'm a third generation [breast cancer] survivor and as of last October I have nine immediate women in my family that have been diagnosed with breast cancer . . . I want my daughter to be able to live a normal life and not worry about breast cancer. I want to have the BRCA test [for breast cancer] done but because of the insurance risk for my daughters future I don't dare.

Another of my constituents, Dr. Tracy Weisberg, Medical Director of the Breast Cancer at the Maine Medical Center Research Institute, told me that while she has offered screening for the breast cancer gene to approximately 35 women in 1997, only two opted for the test. She said that many of these women did not undergo testing because of their fear of discrimination in health insurance.

Dr. Weisberg emphasized the need for legislation to protect patients from this type of discrimination, so that they could make genetic testing decisions based on what they believe is best for their health, and not based on fear.

As a legislator who has worked for many years on the issue of breast cancer, and as a woman with a history of breast cancer in her family, I am delighted with the possibilities for further treatment advances based on the discoveries of two genes related to breast cancer—BRCA 1 and BRCA2. Women who inherit mutated forms of either gene have an 85 percent risk of developing breast cancer in their lifetime, and a 50 percent risk of developing ovarian cancer.

Although there is no known treatment to ensure that women who carry the mutated gene do not develop breast cancer, genetic testing makes it possible for carriers of these mutated genes to take extra precautions—such as mammograms and self-examinations—in order to detect cancer at its earliest states. This discovery is truly a momentous breakthrough.

But the tremendous promise of genetic testing is being significantly threatened by insurance companies that use the results of genetic testing to deny or limit coverage to consumers. Unfortunately, this practice is not uncommon. In fact, one survey of individuals with a known genetic condition in their family revealed that 22 percent had been denied health insurance coverage because of genetic information.

And consider that people may be unwilling to participate in potentially ground-breaking research trials because they do not want to reveal information about their genetic status. At NIH, 32 percent of women eligible for genetic testing for the breast cancer gene declined to undergo testing—the majority of those who declined cited privacy issues and a fear of discrimination as their reason.

Mr. President, this is simply unacceptable. The Jeffords, Frist, Snowe amendment before us today will go a long way toward putting a halt to the unfair practice of discriminating on the basis of genetic information, and to ensure that safeguards are in place to

protect the privacy of genetic information. Now it's up to us to act by passing this amendment, and I urge my colleagues to join me in doing just that.

Mr. JEFFORDS. Mr. President, I yield to the Senator from New Mexico. I believe he has 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. JEFFORDS. I point out that is all of my time. So the Senator from Alabama will have to ask for additional time.

Mr. DOMENICI. He and I are going to share a little time.

Before I do that, I say to Senator DASCHLE, believe it or not, I was the first Senator involved in genome. Whether people know it or not, it was not the National Institutes of Health that started this program. It was the Department of Energy. In fact, the National Institutes of Health did not want the program, and a very distinguished doctor left them and went to DOE. They came to me. The first bill was introduced and Senator Lawton Chiles funded it. That is the origin, which I am going to talk with my friend, Senator SESSIONS, about in a minute.

Let me suggest that I don't know what is in the Senator's amendment. But I do know from the very beginning that there has been concern about the effect of discrimination. I don't believe we should go from being concerned about the effects of discrimination to a 30- or 40-page bill that we—how big is it? Ten. Frankly, we need to make sure that what we are not doing is putting genome research into a vulnerable position where it is not stable and people do not know precisely what they can do on it.

That is all I have to say about the amendment.

I yield to Senator SESSIONS for a question.

Mr. SESSIONS. I know the Senator has been involved in this. I am excited so many others are involved with the possibility that we can have a detailed map of the human genome through the identification of the 3 billion nucleotide basis that make up the human genome, helping to cure diseases.

It is an exciting time. This Congress has played an important role. I know Dr. Charles DeLisi has played a key role. I know Senator DOMENICI, perhaps more than any other official in government, saw the possibilities of this several years ago, and used the power and leverage he had to make it a governmental project of the highest priority. I know he cares about it.

Would the Senator share with the Senate his insight as to where we are in the human genome at this time.

Mr. DOMENICI. But whether it is Congress or the President, someone should recognize formally a Ph.D. named Dr. Charles DeLisi, the dean of engineering at Boston University. In the year 1986, he left the National Institutes of Health in protest over their unwillingness to proceed with a genome project of national significance.

He went to the Department of Energy. He said there were a lot of big brains in the Department of Energy, and maybe they would listen and come to the same conclusion.

They were researching genetic projects because they were charged with deciding the extent of radiation incapacity generationally as a result of the two bombs that were dropped in Japan. The Department has all the scientists. He went there. They put together a team in DOE. I am very fortunate because they came to see me. They said: Why don't we do this since the National Institutes of Health doesn't want to? Why don't you start it?

I got a little tiny bit of a bill through, saying the DOE will run the program. That was the beginning for the National Institutes of Health. As soon as they saw the bill introduced saying DOE would do it, they came running to me saying: We told Lawton Chiles we would like to get in on it. Of course, then we passed legislation that said both DOE and the National Institutes of Health would run this program.

Since then, it has been a scientific marvel. The entire chromosome system of human beings is mapped. Pretty soon it will be available for scientists investigating grave diseases. They will have them at their fingertips in terms of transmutation.

Perhaps we have just laid before the public and the people of the world the greatest wellness potential in the history of mankind. We may find locked up genetically the secret to most diseases. The scientists may pick it up and find solutions in the next 25 or 30 years that nobody thought possible.

Sooner or later I will have somebody recognize Dr. Charles DeLisi. I have spoken to him. He is a marvelous educator at a great university. President Clinton is now aware of this and very interested. I am very hopeful he will be recognized. It is important people understand.

Mr. DASCHLE. How much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. DASCHLE. I compliment the Senator from New Mexico. He truly has been one of those leaders in the field. In fact, I have before me S. 422 which he introduced in the 105th Congress. Title IV of his bill, discrimination by employers or potential employers, is almost exactly what is in the Daschle amendment this afternoon.

He was one of the first to be out there. I give him great credit for what he has already done with his leadership on this issue. He has given some history this afternoon about how this started. He was here in the last Congress advocating that this body oppose discrimination in the workplace.

So that everyone knows prior to the time they vote what it is we are talking about, the Jeffords amendment does not prohibit insurers from dis-

criminating on the basis of genetic information in the workplace. The Jeffords amendment does not prohibit the disclosure of test results without consent. It does not prohibit the use of predictive genetic information for hiring. It does not ensure that those who suffer from genetic discrimination have the right to seek redress through legal action. It fails on a basic level with regards to what we ought to do with respect to genetic discrimination.

It is on that basis I remind my colleagues that 59 organizations have come forward to urge Members to say no to legislation that fails to regulate the workplace. Don't listen to me. Listen to those organizations. Listen to Craig Venter of the Clera Genomics. Listen to Francis Collins, the director of the National Human Genome Research Institute. Listen to the editorial writers from papers across this country who have said, again and again, we must pass legislation quickly before it is too late.

This is a no-brainer. This is our opportunity today to say yes to Craig Venter, to say yes to Dr. Collins, to say yes to the organizations, and to say yes to Terri Seargent, who has already been victimized as a result of this. This is our opportunity to say no to discrimination in the workplace, to say the Senate will go on record for the first time that we will not allow any genetic discrimination regardless of circumstances.

I hope on a bipartisan basis our colleagues will join in support of this legislation. The time has come. It was introduced in the last Congress. It is now being offered in this Congress with every expectation and hope that we can send the clearest message possible that we will not tolerate discrimination. We will allow the research to go forward without any question that the information can be protected. That is what we want. That is what the health organizations want. That is what Terri Seargent wants. That is what we all should want in the Senate.

I ask unanimous consent to have printed in the RECORD editorials from around the country.

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

[From the Phoenix Gazette, Dec. 17, 1996]

DNA DILEMMA: GENE TESTS CAN COST YOU

Imagine the scene: A middle-age patient, visiting her doctor for her yearly physical, reminds him that her mother and aunt had breast cancer. With the patient's consent, her well-meaning physician decides to conduct a new test that will reveal whether she carries genetic mutations that could radically increase her chances of developing breast cancer.

The doctor submits a claim for the test to the woman's insurer. Before the results are back, the insurer, seeing what the test is for, triples the price of her coverage.

An impossible chain of events? Think again. Several companies have begun marketing tests that will tell women whether they have the recently discovered gene mutations that markedly increase their risks for breast and ovarian cancer.

A Utah biotechnology company, Myriad Genetics Laboratories, sent 100,000 cancer specialists a glossy "resource kit," boasting of its new "gold standard" testing for the gene mutations. The company warns doctors about the risks of insurance and job discrimination.

But the promotional kit also tells doctors that the Equal Employment Opportunity Commission "has included language in the Americans with Disabilities Act making it unlawful to discriminate" base on the results of genetic tests.

Peggy Mastroianni, the associate legal counsel for the commission, dismissed this claim, saying that it merely issued an opinion, which has yet to be tested in the courts.

Some scientists and medical ethicists say that Myriad and other companies are overselling these tests. Should a woman test positive for a gene mutation, there is still no way of knowing whether she will develop cancer. Even if that information was available, there is no sure-fire preventive treatment.

The Food and Drug Administration could regulate genetic tests, as it regulates new drugs. But so far the agency has declined to become involved. And where discrimination is concerned, many women would have little recourse if their health insurance skyrocketed in cost or they lost their jobs on the basis of a genetic test.

More than a dozen states have enacted limits on insurance or employment discrimination related to genetic testing. But even in New Jersey, where Gov. Christine Todd Whitman signed the country's most comprehensive law last month, almost half of the insured aren't protected, because they belong to self-financed plans, which aren't subject to stringent state regulations.

At the federal level, the new Kennedy-Kassebaum law, among other things, protects people moving between jobs from being dropped by health insurers because of their genetic information. But the law doesn't protect those with individual health insurance from seeing their premiums raised if they happen to carry an unlucky genetic fingerprint. It also does not protect against job bias.

Women are not the only ones affected by this problem. Genetic tests for other diseases have been developed. Others are on the way. Last month, scientists announced that they were zeroing in on the mutant gene in hereditary prostate cancer.

In the last Congress, a dozen bills would have guarded against genetic discrimination and protected medical privacy. But even those with some bipartisan support fell victim to a crammed legislative calendar and insurance industry resistance.

The 105th Congress has a chance to pass comprehensive laws protecting medical privacy and barring insurers and employers from discriminating on the basis of genetic information. For its part, the FDA should regulate genetic tests. Those charged with protecting the public welfare have to move quickly.

[From the Washington Post, Feb. 12, 2000]

GENETIC PRIVACY

President Clinton has issued an executive order limiting the use of genetic test results in deciding whether to hire, promote or extend particular benefits to federal employees. For now, the order will have limited significance, since genetic testing is not yet as common as it is likely to become. But it sets the right example; in a not-yet-settled area of medical ethics and privacy, it's a pioneering step. The order includes a plug for a bill by Senate Minority Leader Tom Daschle and Rep. Louise Slaughter that would impose the same restraints on employers nationwide as well.

The problem is that people fear—and, it has been shown, avoid—being tested for a predisposition to a genetic disease because they think employers or other authorities might penalize them for the results even if they never develop the disease. This specific concern is symptomatic of a larger one: the danger that people may become less open with their own doctors—or avoid treatment altogether—for lack of confidence that information about their health is any longer veiled in the traditional confidentiality.

Federal rules to protect patients' privacy when they give sensitive information to their doctors are finally nearing completion; the public comment period ends this month. These, too, are only a start, though an energetic one. They give patients a right to see and correct their medical records, oblige all health care providers and insurers to follow confidentiality safeguards and set civil and criminal penalties for violations. There are holes that Congress ought to fill: The rules cover only electronic transactions, and allow a formidable array of exceptions where information may be shared without a patient's consent.

Lawmakers have been slow to recognize the broad political appeal of strengthening medical privacy, partly because of the many conflicting interests that are represented in the fight over medical records. But polls show privacy concerns rank high, and a bipartisan Congressional Privacy Caucus and a Democratic privacy task force both declared their existence Wednesday. There's plenty for these privacy advocates to do.

[From the Houston Chronicle, Feb. 15, 2000]

GENE SECRETS; CLINTON RIGHT TO OPPOSE GENETIC DISCRIMINATION

From the moment of conception, the lives and medical futures of human beings are greatly determined by the genes received from their mothers and fathers.

For the genes not only determine physical traits such as the color of a person's eyes and hair, but also a person's predisposition toward certain medical ailments, ranging from heart trouble and diabetes to cancer and Alzheimer's disease.

As the result of a national research effort, doctors are within a few years of completing a map of all the genes that make up human beings, carefully identifying which gene does what. The overall aim, of course, is that one day doctors will be able to use genetic information to treat people and make them healthier.

That's all well and good, as they say. Suffering from diabetes? Well, the doctors will just give you an injection of anti-diabetes genes, and you will soon become as healthy as a horse.

But this fascinating research, with all of its fine promise, has a terrible negative side if misused. Such genetic information on John and Jane Q. Citizen—information that they are likely to suffer from heart disease in their 40s or colon cancer in their 50s—could be used by employers, insurance companies or others to discriminate against them.

Employers might not hire or promote Jane or John Q. Citizen because of the potential displayed by their genes that some future medical condition might cost them lost time and higher insurance expenditures, as an example. Insurance companies, with a person's gene map in their hands, might refuse to sell that person insurance because of health risks.

President Clinton is acting correctly in signing an executive order barring federal agencies from discriminating against employees based on genetic testing. And he is also correct in urging Congress to pass legis-

lation that would ban genetic discrimination in the private sector. Congress should attend to this matter as soon as possible and also to the problem of protecting individual gene maps.

Discrimination in the workplace is wrong, whether it is based on a person's personal genetic code or the color of his skin.

Genetic discrimination is un-American.

[From the St. Louis Post-Dispatch, Feb. 14, 2000]

DISCRIMINATION GOES HIGH-TECH CIVIL RIGHTS

The frightened middle-aged woman was relieved she would not have to give her name. She handed over several \$100 bills, counting them out with trembling hands. She had never done anything like this before. She rolled up her sleeve and looked away, awaiting the needle.

It was not a street corner drug deal, although it felt like it. She was in a major teaching hospital undergoing genetic testing to see if she had an increased risk of contracting a life-threatening disease. Along with her fears that this glass tube identified by number might render a deadly warning in every unseen strand of her DNA, she also was afraid of other threats unseen: that the test alone might prevent her, or a family member, from getting health or life insurance, a job, a promotion, custody of her children, an organ transplant; or perhaps even something as simple as a home loan.

As technology soars forward in the Human Genome Project and computer science, we will know more about ourselves than ever before, and be less capable of keeping it to ourselves. Medical science already has hundreds of genetic tests that detect mutations putting a person at increased risk for such ailments as ovarian, breast, colon and prostate cancers, Alzheimer's and other, rarer diseases. The potential for good abounds in areas of prevention, early detection, treatment and, most spectacularly, cures.

But there is also tremendous potential for abuse. In California, a government laboratory had for years genetically tested government employees for diseases, including sickle cell anemia, without their knowledge following pre-employment physicals. Even though genetic testing does not render a diagnosis, only indicators of increased risk, it has been used to deny medical insurance and charge higher rates. Such cases led Congress to pass legislation in 1996 outlawing genetic discrimination in group health insurance plans serving 50 or more employees.

But according to a Senior White House official, many people who could benefit from genetic testing still are deciding not to have it, solely because they are afraid the results will be used against them by employers and insurers.

Last week President Bill Clinton took an important step, issuing an executive order that forbids federal agencies genetic testing in any decision to hire, promote or dismiss workers. The order protects 2.8 million federal employees.

There is much left to be done. Genetic information that can be gleaned from testing will only increase, through innovations like the biochip, which one day may be able to map from one strand of hair a person's entire identity, from hair color to inquisitiveness. Mr. Clinton challenged private sector employers to adopt similar non-discriminatory policies. Even better is his endorsement of Congressional legislation sponsored by Sen. Tom Daschle, D-S.D., and Rep. Louise M. Slaughter, D-N.Y., that would make it illegal for employers to discriminate on the basis of genetic testing.

All of us are predisposed to some illness. No one should be penalized for discovering what that illness might be.

[From the Chicago Tribune, Apr. 27, 1996]

GROUND RULES FOR DNA SAMPLING

Two Marine corporals were court-martialed in Hawaii recently and convicted of disobeying orders to give tissue samples for a Defense Department DNA registry.

The idea behind the registry is that should they become casualties in a future conflict, there would be a foolproof way of identifying their bodies. This is no frivolous concern, as the recent exhumation of an allegedly misidentified Vietnam War casualty in Ft. Wayne, Ind., demonstrated.

Despite their convictions, the two Marines got light penalties: seven days of restriction each, letters of reprimand and no dishonorable discharges.

This leniency may have stemmed from the fact that their concerns also were not frivolous: They feared that, somewhere down the line, the DNA samples could be used to their detriment. And the Defense Department, like the rest of American society, is only gradually evolving answers to such concerns.

Almost daily, it seems, scientists announce that they've found a new gene that causes or predisposes a person to some disease or trait. Almost as rapidly, biotechnology companies are developing tests to screen for those genes.

What those two Marines feared is what many Americans in many other walks of life fear: that samples given for one ostensibly benign purpose, or the data gleaned from such samples, may be put to other uses, not all necessarily benign.

Earlier this month, for example, researchers at Harvard and Stanford universities released a study citing more than 200 cases of "genetic discrimination." Prominent among these were cases in which insurance coverage was denied because a member of a family had a gene-based disorder. Employment discrimination is another common fear, along with social ostracism.

What happens when DNA screenings become readily and routinely available for a whole range of diseases or conditions? Will insurers be able to demand that would-be customers submit to such screenings? Will they be free to grant or deny coverage on the basis of the results? (The essence of insurance is, after all, assessing and balancing risks.) What about employers—what will they be able to demand?

By comparison with civilian society, the military has it easy. The Pentagon can simply promulgate rules for its DNA repository, and it recently did. Among other things, those rules allow a service member to request that his or her DNA sample be destroyed immediately upon final separation from the military and require that the request be fulfilled within 180 days.

Civilian society must work the issue through the process of public discussion, legislative debate and legal enforcement. Laws will have to provide tough anti-discrimination strictures and confidentiality requirements, with severe penalties for anyone who violates either. Congress should get to work on such laws quickly, because science is not standing still.

I yield the floor and I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3688. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the

Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. BYRD. Mr. President, may we have order, please.

Can we have the well cleared. Unless Senators are voting, Senators should not be in the well.

The PRESIDING OFFICER. The Senate will be in order.

Will those in the well vacate the well.

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—44

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

NAYS—54

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

NOT VOTING—2

Inouye Leahy

The amendment was rejected.

VOTE ON AMENDMENT NO. 3691

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 3691.

Mr. JEFFORDS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—58

Abraham	Campbell	Enzi
Allard	Chafee, L.	Feinstein
Ashcroft	Cochran	Fitzgerald
Bennett	Collins	Frist
Bond	Coverdell	Gorton
Brownback	Craig	Gramm
Bunning	Crapo	Grams
Burns	DeWine	Grassley
Byrd	Domenici	Gregg

Hagel	Mack	Smith (OR)
Hatch	McCain	Snowe
Helms	McConnell	Specter
Hutchinson	Murkowski	Stevens
Hutchison	Nickles	Thomas
Inhofe	Roberts	Thompson
Jeffords	Roth	Thurmond
Kyl	Santorum	Voinovich
Lieberman	Sessions	Warner
Lott	Shelby	
Lugar	Smith (NH)	

NAYS—40

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

NOT VOTING—2

Inouye Leahy

The amendment (No. 3691) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from North Dakota is recognized.

Mr. SPECTER. Mr. President—

Mr. KENNEDY. Parliamentary inquiry, Mr. President. Wasn't the Senator from North Dakota recognized?

The PRESIDING OFFICER. The Senator from North Dakota was recognized. If the managers wish to pose an inquiry—

Mr. SPECTER. Mr. President, I ask the Senator from North Dakota to yield for a moment.

Mr. DORGAN. I am happy to yield for the purpose of a question.

Mr. SPECTER. What I would like to say for the record is that we hope to have a unanimous consent agreement here—we are not ready to propound it—where the Dorgan amendment and the Nickles amendment, which would be ordinarily a second-degree amendment, would be treated as first-degree amendments and try to seek a time limit of 45 minutes on each. But we understand that we are not in a position to do that because there has not been an adequate opportunity to review the Nickles amendment. I wanted to make that statement.

If the Senator from North Dakota wants to lay his amendment down, that is entirely appropriate. We just hope that when we have another amendment ready to go, either the Helms amendment or Wellstone amendment, we could set aside the Dorgan amendment and proceed with argument on something we can close debate on, and then come back at the earliest moment to the Dorgan amendment, just as a management matter.

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

AMENDMENT NO. 3693

(Purpose: To require a federal floor with respect to protections for individuals enrolled in health plans)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. KENNEDY, Mr. DASCHLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KERRY, Mr. EDWARDS, Mr. REID, and Mr. HARKIN, proposes an amendment numbered 3693.

The amendment is as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. ____ Any Act that is designed to protect patients against the abuses of managed care that is enacted after June 27, 2000, shall, at a minimum—

(1) provide a floor of Federal protection that is applicable to all individuals enrolled in private health plans or private health insurance coverage, including—

(A) individuals enrolled in self-insured and insured health plans that are regulated under the Employee Retirement Income Security Act of 1974;

(B) individuals enrolled in health insurance coverage purchased in the individual market; and

(C) individuals enrolled in health plans offered to State and local government employees;

(2) provide that States may provide patient protections that are equal to or greater than the protections provided under such Act; and

(3) provide the Federal Government with the authority to ensure that the Federal floor referred to in paragraph (1) is being guaranteed and enforced with respect to all individuals described in such paragraph, including determining whether protections provided under State law meet the standards of such Act.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask unanimous consent that the Nickles amendment be modified to be formatted as a first-degree amendment and that a vote occur on the Nickles amendment, to be followed by a vote on the Dorgan amendment, with no amendments in order to the amendments prior to the votes. I further ask unanimous consent that the debate prior to the vote be 45 minutes for Senator NICKLES and 45 minutes for Senator DORGAN.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, we are all operating in good faith and wanting to move ahead. I ask if our floor staff has seen this. I would like to, with all due respect, reserve a minute until our floor staff has an opportunity to see it.

Mr. SPECTER. Mr. President, I amend the request to 55 minutes on each side.

Mr. KENNEDY. Parliamentary inquiry: Is that on or in relation? Do I understand that it is their intention to have an up-or-down vote on both of these?

Mr. SPECTER. Up or down on both.

Mr. KENNEDY. No points of order.

Mr. NICKLES. If I may respond to my colleague, I have no objection personally. I understand the chairman of the Budget Committee doesn't want that waived. But it is not my intention to raise a point of order on the Senator's amendment, nor on our amendment. I think the Senator from New Mexico has a standing objection.

Mr. KENNEDY. If it is the understanding that we treat both of them the same way, is it agreeable with the floor manager that the point of order be on both so they are both treated the same way?

Mr. SPECTER. It is.

Mr. NICKLES. I have no objection to that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I renew the request, and, as previously stated, I ask unanimous consent that there be 55 minutes on each side.

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

The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin by describing this amendment and why I have offered it to this bill.

Let me also say that the amendment is not subject to a point of order. This amendment deals with the Patients' Bill of Rights. Quite simply, it says that when this Congress enacts patient protection legislation, we should protect all 161 million Americans enrolled in private health insurance plans.

Many of us have been attempting to get this Congress to pass a meaningful Patients' Bill of Rights, and so far, we have not been successful in doing so.

As most Americans know at this point, more and more of the American people are being herded into HMOs and managed care organizations which has jeopardized the quality of health care they receive. Too often these days, decisions about their health care are being made not by doctors but by some accountant in an HMO or in a managed care organization 1,000 miles away.

We have all heard stories on the floor of this Senate about the problems patients experience when their health care is viewed as a function of someone's profit and loss, not of his or her health care needs.

We proposed a Patients' Bill of Rights to address these problems. It is rather simple legislation. It says that:

Patients should have the right to know all of their medical options—not just the cheapest medical options. That ought to be a fundamental right.

Patients ought to have the right to choose the doctor they want for the care they need, including specialty care when they need it. That ought to be a right of patients who believe they are covered with a health care policy.

Patients ought to have the right to emergency room treatment and emergency room care wherever and whenever they need it.

Patients ought to have a right to a fair and speedy process to resolve disputes with their health care plan. And they ought to be able to hold their health care plan accountable if its decision results in injury or death.

The Senate passed a piece of legislation last year that was called the Patients' Bill of Rights. Some of us called it a patients' bill of goods because it was a relatively empty shell.

The House passed a Patients' Bill of Rights that is a good bill. It is a bipartisan bill sponsored by Republican Congressman Norwood and Democratic Congressman Dingell. It passed by a 275-151 vote.

Since that time, the Senate appointed a set of conferees on October 15, and the House appointed its conferees on November 3. It wasn't until the end of February that there was a meeting of the conference committee. As I said previously, the conference committee isn't making much progress.

In this amendment, we deal with only one aspect of the Patients' Bill of Rights and that is the question of the number of Americans that a bill of rights should cover. If a Patients' Bill of Rights is enacted by this Congress, we propose with this amendment that Congress will cover all of the American people with private health insurance, rather than just the 48 million Americans proposed to be covered in the Republican Patients' Bill of Rights. We believe the Patients' Bill of Rights should cover all 161 million Americans in private health insurance plans, including the 75 million people whose employers provide coverage through an HMO or private insurance. Unfortunately, these folks are not covered in the Republican plan. The 15 million people with individual policies are not covered in the majority party's plan. The 23 million State and local government employees are not covered in the majority party's plan.

We propose that when and if Congress passes a Patients' Bill of Rights, that all 161 million Americans are covered by those provisions. Very simple.

We understand from the previous vote held a couple of weeks ago that the majority in the Senate do not want to pass our Patients' Bill of Rights. We understand that. They voted against it. But how about at least passing a part of our Patients' Bill of Rights, the part that says everybody ought to be covered? That is what I offer today as an amendment.

Senator REID and I held a hearing in his home state of Nevada on the issue of the Patients' Bill of Rights. At the hearing we had a mother come, the mother of Christopher Thomas Roe. She stood up and told us about her son. He died October 12 of last year. It was his 16th birthday. The official cause of Christopher's death was leukemia, but the real reason he died is because he was denied the kind of opportunity for patient care that he needed to give him a chance to live. He was diagnosed with leukemia, but he had to fight cancer and his HMO at the same time. It is one thing to tell a kid you have to fight a dreaded disease, you have to battle cancer. It is quite another thing to tell that young child and his family: Take on cancer and, by the way, take on your insurance company as well. That is not a fair fight. That is never a fair fight.

The Roe family was told that the kind of treatment he needed to send his cancer into remission was experimental. The family immediately appealed the health plan's decision. The review, which was supposed to take 48 hours during a very critical period of this young boy's life, took 10 days. As the appeal dragged on, Christopher's condition worsened. And as Chris's doctor had known, the traditional chemotherapy did not work.

At the hearing, Chris's mother, Susan, held up a very large picture of Christopher, about the size of this chart. It was a picture of a strapping, bright-eyed, 16-year-old boy. Susan told Senator REID and I, with tears in her eyes, how Chris turned to her one day not long before he died and said: Mom, I just don't understand how they could do this to a kid.

This is a 16-year-old boy who died who wanted that extra chance to be cured but whose insurance company said no, no, no. And he died.

We all know the stories. There is the woman who fell off a 40-foot cliff in the Shenandoah Mountains. She was hauled into an emergency room unconscious with broken bones and all kinds of physical problems. She survived and was later told by her insurance plan: We will not cover your treatment because you didn't have prior approval to get emergency room care.

Or how about this young child, born with a horrible cleft lip? It is hard to look at. Dr. GREG GANSKE, a Member of the House of Representatives in the Republican Party who supports this legislation, says in his practice that it is often not considered a "medical necessity" to fix this kind of problem. Let me show you how a child with this condition looks when he receives proper medical intervention by a skilled surgeon. Is there a difference? How can anyone look at these two pictures and say fixing this condition is not a "medical necessity"?

The point we are making with this amendment is very simple. Managed care organizations hold the future of too many patients in the palm of their

hands. Decisions are not being made by doctors in doctor's offices. Too often, they are made in accountants' offices 500 or 1,000 miles away. We are saying that it is wrong to make medical decisions a function of profit and loss. This country can do better than that. This ought to be a slam dunk. The legislation that provides real protection, a meaningful Patients' Bill of Rights, ought to get 100 votes in the Senate. But we can't get any movement on this at all from the conference committee charged with working out the differences between the House and Senate bills.

I know a few of the conferees and the chairman of the conference committee were saying we have made great progress. I describe that progress in glacial terms. At least glaciers move an inch or two a year. It is hard to see that this conference moves at all.

We are only asking today to say with this amendment that if we are going to pass a Patients' Bill of Rights, let's not create a hollow vessel. Let's create a Patients' Bill of Rights that provides real protection for 161 million Americans, not inadequate protection for 48 million Americans. If we are going to do this, let's do it right.

That is the amendment. We will have a chance to vote on it. We understand that the majority of the Senate decided they didn't want a real Patients' Bill of Rights. They wouldn't vote for the entire package, the one that provides protection for young kids such as Christopher, who are fighting leukemia, or for young people born with this severe cleft lip deformity. So all we ask is that whatever we are going to do with respect to patients' rights that we apply it to all Americans. Everyone ought to have the right and the opportunity to expect decent health care coverage if they have an insurance policy. What about a Patients' Bill of Rights for all Americans?

I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the issue of providing protection for American families has been before the Senate for the past 3 years, but we have been unable to pass legislation that will guarantee to the families of this country that medical decisions that are going to affect them and the treatment of the family are going to be made on the basis of sound medical reasons rather than for the interests of the HMOs. That is what this issue is all about.

This chart indicates very clearly what has been happening. The Senate, in July 1999, about a year ago, passed legislation, the Republican bill, 53-47. This 47 was basically the Norwood-Dingell bill, virtually identical to the Norwood-Dingell bill, which is a party-line vote. The House passed the Norwood-Dingell bill 275-151 in October, 1999. Then the House and the Senate conferees appointed. Now 8 months have

passed. We have nothing that has come out of that conference.

We are going to have something now before the Senate, offered as an alternative to the Dorgan proposal, that evidently has been drafted solely by Republicans. Whether it includes Republicans in the House of Representatives or not is something we will have to wait and see. I doubt it very much.

Why? Because just this afternoon Congressman NORWOOD, who was the principal sponsor of the Norwood-Dingell bill, said in a press conference: What is significant about today is that all 21 Republican sponsors of the Norwood-Dingell bill are standing behind me and each of us has declared that we will not support any bill that does not allow patients to choose their own doctor, that does not protect all Americans, and that does not hold the insurance industry accountable for its decisions. It doesn't matter what the Senate does today. The 25 us will vote against any bill that does not guarantee patients the protections they deserve. If the Senate passes anything less, they are killing the bill.

That isn't a statement made by Democrats; that was made by Republicans.

So let's understand it. Here are the leaders in the House of Representatives, in a bipartisan effort that got a third of the Republican Party to pass an effective bill that we should pass, and it failed by one vote only 2 weeks ago. We are being denied, week after week after week, from being able to protect American families from being harmed.

That statement is made by the Republican Congressman. The legislation we on this side of the aisle support is supported by 300 organizations, including every medical organization, every doctor organization, every patient organization, every organization that represents women, every organization that represents children, every organization that cares about cancer—you name it, they support our proposal.

Do you know who supports the other side? The insurance industry. They supported them before and they are supporting them tonight. So you will have a chance to show, on the floor of the Senate, whether you are going to cast your vote with those who have been dedicated to protecting the lives and well-being of the families in this country, or protecting the profits of the HMOs. That is the issue as plain and simple as can be stated.

That is why Congressman NORWOOD, I think, has been so courageous, because he understands it. He was there when the Senate considered 2 weeks ago the Norwood-Dingell bill that failed by one vote. He was supporting our efforts, as was the American Medical Association.

The particular amendment that Senator DORGAN has proposed is a very basic and fundamental amendment that affects the Patients' Bill of Rights. It is the question of scope. Are we going to cover 161 million Ameri-

cans, or are we going to cover only a third of those, as was covered in the Senate Republican bill before and I daresay will be in the Republican bill tonight—although they have not shared that with us, only with the staff for a few minutes. I daresay that will be the fact.

Here it is. They cover 48 million—self-funded proposals. They do not cover those fully insured; those who are represented by Blue Cross or by Kaiser. They don't cover those 75 million.

They don't cover the individual markets, the self-employed, the farmers, child care providers, the truckers.

They don't cover the teachers and the firefighters and the police officers.

We cover all 161 million. They cover 48 million. Here is a picture of Frank Raffa, Vietnam veteran, decorated war hero, 21 years in the fire department of Worcester, MA. He has two children. Do you think he is covered? No, not covered under the Republican plan. Why should Frank Raffa not be covered? Why should his family not be covered, his wife and his children? He has dedicated his life to the people of Worcester, MA, as a firefighter and to this country in Vietnam. But, oh, no, the Republicans say we are not going to cover State and county officials.

No. 2, here we have Dave Morgan, with two of his 63 employees. He is a pharmacist in Boston. Tonya Harris right here, she is a pharmacy technician, a single mother of two, and Rhonda Hines, another of Dave's employees. She is married and has three children. Do you think working for a business they are going to be covered? Absolutely not. He is a community pharmacist. He worked hard building a business employing 63 members of the community. Some are in training, some are getting advanced degrees—are they covered? Absolutely not. Why not? Why do you exclude those? Norwood-Dingell did not exclude them, why should we?

Finally, Leslie Sullivan, a family nurse practitioner in the Quincy Mental Health Center, a Massachusetts employee. She is not covered under the Republican plan. She has worked hard all her life.

I want to hear a justification from Senator NICKLES tonight why these people are being excluded. They can't get it. We have insisted, in that conference, on three basic things: One, you are going to have coverage and cover all Americans; No. 2, you are going to have accountability; No. 3, you are going to have a definition of medical necessity that is going to protect American consumers.

At the end of 3 months of hearings, 3 months of meetings in the Nickles office—as much as I like and respect DON NICKLES and consider him a friend, the fact is, of the 22 differences, only 2 had been agreed to.

I will just take 3 more minutes. Here are the guarantees under the legislation that the Democrats support: 22

different protections here. I would like to hear from the other side: Which ones don't you want to guarantee to the American consumers? You don't want to protect all of them? You don't want to guarantee the specialists? You don't want to guarantee that women that are going to be able to go to an OB-GYN without first going to a general practitioner? You don't want to guarantee prescription drugs? You don't want to guarantee the emergency room? These are our guarantees. This is what we stand for. If the Republican bill embraces those without the loopholes, we will support it. But if it does not, it ought to get defeated. That vote ought to be no, and we ought to continue to fight in this Congress to make sure we get a good Patients' Bill of Rights.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I regret our colleagues on the Democrat side of the aisle have decided to once again try to turn an issue, an important issue, Patients' Bill of Rights, into a political theater and not legislate, not come up with reasonable compromise. Instead, they want votes. They want to try to score points. I find that to be unfortunate because we are working very hard to try to come up with a responsible product.

A compromise in the conference committee is not easy on this issue because the differences between the House bill and the Senate bill are significant. They are significantly different in cost and scope and liability. We are trying to bridge those differences. It takes time, it takes compromise, it takes both sides working together.

We made a lot of progress with our colleagues on the Democrat side, in spite of what my good friend from Massachusetts says, a lot more progress than 2 out of 20 items. We agreed on an appeals process. Maybe not on every single last letter, but by and large we agreed on the appeals process. We invited the press in; we came to an agreement. It took about 2 months. I thought it should have taken a week. The reason why it took 2 months is because our friends on the Democrat side always kept wanting a little bit more. That is tough negotiating; I am not faulting them for that. But they are the reason why it took 2 months to come up with an appeals process. We basically agreed with it.

I just have to make a mention on scope. When they say: Wait a minute, their bill only applies to 50 million and our applies to 161 million; it should apply to everybody—our plan applies to everybody covered by ERISA. That is the plan we are amending, every employer-sponsored plan.

I know the Senator wants to overrule the State of Massachusetts State employee plan, he wants to regulate State individual plans—he wants national health care. I compliment him. He is being consistent. He always thought the Federal Government could do it

better than States, and he always wanted the Federal Government to do it instead of States. I disagree with that. We have a disagreement. That is one of the items we were wrestling with in conference.

Now we have an amendment.

We tried to do this in a big fashion last year. They had their amendments. We had a lot of votes on amendments last year. Senator KENNEDY lost. We had an amendment on scope. We debated that last year. The Senator from Massachusetts lost. The majority of the Senate said: No, we don't want the Federal Government to take over State regulation of insurance. We don't think HCFA is very good at administering the insurance. They have a hard enough time in Medicare. Do we really want them to regulate State insurance? The Senate said no. The House said yes. We were negotiating that.

Incidentally, that is one of the things we are negotiating as we speak. But my colleagues on the Democrat side didn't wait for the conference. Two weeks ago they said: Let's ignore the conference. Let's just adopt the House position. In spite of the fact we have reached a bicameral agreement on a lot of patient protections, including the appeals process which, for my colleagues' information, is the backbone of the bill. It is the most important thing in the bill because if you do a good job in the appeals process, you don't have to go to the courthouse.

The patients who need care, whether it is the cleft palate that my colleague continues to show in the picture—they are going to have an appeal under the bill that we have. They are going to get care. It is going to be decided by a medical expert totally independent of the plan. That is going to be a binding decision. The person who is denied health care is going to have an appeal and is going to get the health care they need when they need it; not just go to court.

Mr. KENNEDY. Will the Senator yield?

Mr. NICKLES. No, I will not yield. I have a lot of comments to make. Maybe I will yield at a later time.

Instead of waiting for the conference to work, my colleague from Massachusetts put the Patients' Bill of Rights on either the Department of Defense authorization bill or the Defense appropriations bill.

There is no way in the world that bill is ever going to come out of conference. It was nothing but political theater. It disrupted the conference. I told him and my colleagues and I planned on having a conference that day with my Democratic colleagues. No, they engaged in political theater because maybe some people wanted to have a headline that said: "Senate defeated Patients' Bill of Rights." We moved to table the amendment. The vote was 51-48. It accomplished nothing but headlines for my colleagues.

Two weeks after the vote, we have another Patients' Bill of Rights. Maybe we will have several and do them piece-

meal. Maybe we will do one on scope and one on patient protections.

I tell my colleagues, this is not the way to legislate. We are on the Labor-HHS appropriations bill. Everyone knows this bill is not going to come back—maybe it will; maybe we will pass patient protections and put it on Labor-HHS. My colleagues put minimum wage on bankruptcy. Frankly, it is a complicated effort for both bills. Minimum wage did not belong on bankruptcy and patient protections does not belong on Labor-HHS.

Are they seriously legislating? No. Did they come up with a serious legislative proposal? They have a two-page proposal on scope. What is the amendment offered by my friend from North Dakota? He has an amendment which deals with scope.

My colleague talked about all these patient protections. Guess what. They are not in his amendment. His amendment basically says: We want the Federal Government to set standards, and, oh, States, you have to meet these standards. If not, the Federal Government is going to take over.

This little amendment, which looks innocuous and is like a thematic statement, says we are going to have the Federal Government design, mandate, and dictate benefits, and, States, if you do not meet these dictates, we are going to have the Federal Government take over; HCFA will take over; you will have to follow the HCFA standard.

This is the GAO report: Implementation of HCFA. The headline says: "Progress slow in enforcing Federal standards in nonconforming States." We have a lot of States not conforming with existing laws where HCFA is supposed to have control—ask any of your doctors. Some people profess they want to be helpful to doctors. Ask the doctors. If we adopt the Dorgan amendment, we are asking HCFA to take over State regulation of health care. That would be a disaster. That would not improve quality health care. That would duplicate State regulation, confuse State regulation, and have Federal regulators who do not have the wherewithal or the talent—they say so themselves. They say in this report they do not have the talent; they cannot do it. They are not doing it in existing law.

They have three areas in existing law they are supposed to enforce, and they are not doing it. This is the GAO report saying this, not DON NICKLES. It is fact. And we are going to give them regulation over State health care? That is absurd. I know some people want national health care. They want the Federal Government to regulate health care in the States. I do not. I think it would be a serious mistake.

What about scope?

Mr. KENNEDY. Will the Senator yield?

Mr. NICKLES. I want to continue before I lose my train of thought.

What about scope? The scope proposal in our bill applies to every single ERISA-covered plan. Every employer-

sponsored plan would have an external appeal because that is ERISA. It has Federal remedies.

We also included in this proposal a cause of action, a cause of action liability. In case the external appeal overturns the HMO and they do not pay, we say you can sue the HMO. We did not have that in the bill before. We did not have liability. We compromised.

Some say the conference has not done anything. We made a concession. We have liability in our proposal so patients can sue HMOs. It turns out that a lot of our colleagues want to sue more, on every case. They want to turn this into an invitation for litigation. We do not.

We do have cause of action. We have remedies allowing patients to go after the HMO, and, frankly, the employer, if acting as the HMO, if they are the final decisionmaker, if they are the ones denying health care, if they are the ones causing injury, harm, damage, or death, because of their decision to deny health care, they can be held liable. My point being: We have moved forward in the conference. We have made compromises. We have been working.

This is not the way to legislate: We will put, at 5 o'clock on a Thursday afternoon, on the Labor-HHS bill and say we are going to do part of patient protections, we are going to pick out a piece of it, a very significant piece. Maybe we will do another piece tomorrow.

That is not the way we are going to do it. We offered a significant comprehensive proposal, one that deals with scope, liability, patient protections, one that has an appeals process that will apply to every single employer-sponsored plan in America. We are going to give everybody a chance.

You will not be voting on a real patient protections bill, not the one Senator DORGAN offered as a two-page amendment. We have an amendment pending that is 250 pages that has real patient protections and one we have been working on for over a year.

Frankly, over half that language—maybe over 70 percent of that language—has been negotiated with our colleagues on the Democratic side of the aisle. It had tentatively been signed off by Democrats and Republicans, House and Senate. It has patient protections. It has an appeals process. We have a significant proposal. We do not have two pages. We have a Patients' Bill of Rights. We have remedies and cause of action where someone can sue an HMO or sue a final decisionmaker if they are denied health care. We have a good proposal, and I hope my colleagues will vote for it and against the Dorgan proposal.

We will have up-and-down votes on both proposals, on a bill on which neither one belongs. That is not my choice. I told my colleagues on the Democratic side that I will agree to a time certain and a vote on both of these proposals sometime—July, Sep-

tember. I am happy to do that. No, they want to score points. They want press conferences. They are not interested in patient protections. They are interested in press conferences and political theater.

They are not interested in helping patients. If they were interested in helping patients, they would be working with us to resolve and compromise in conference. Unfortunately, that is not the case. Maybe they will have theater, but we are going to give people substance on which to vote.

Last time, when my colleague from Massachusetts offered basically the House-passed bill—let's adopt the House position—we said no, and we tabled it. We saw the headlines: "Republicans Defeat Patients' Bill of Rights." Guess what. Today we are going to pass a Patients' Bill of Rights. We are going to pass a Patients' Bill of Rights and give every single patient in America who happens to be in an employer-sponsored plan an appeal. If they are denied health care by an HMO, they will have an appeal, done by a medical professional, an expert, using the best medical evidence available. It is a binding decision.

If for some reason that appeal is not adhered to nor complied with, they will have a right to sue. They can sue their HMO, they can sue the final decisionmaker, if it is a self-funded, self-insured employer, if they make a decision to deny health care. They can sue them in those circumstances. We are offering real patient protections.

Time and again I have heard: We have to have patient protections where there is remedy against HMOs denying health care. We do that in this bill. We do not want people going to court; we want them to settle it in the appeals process so they get health care when they need it, not through the court system when it is too late. We want to resolve those cases. We want people to get health care.

On the patient protections—about which my colleague says the Senate does not do anything for the firefighter in Massachusetts, we want patient protections—we just do not think we are protecting patients by coming up with some facade that the Federal Government is going to take care of them when we know it cannot, and have the Federal Government basically preempt State law with national health insurance.

Look at the countries with national health care. Do they have the quality of health care that we do in this country? The answer is no; absolutely not. People think we can draft these patient protections in Washington, DC, and do a better job than the States. I happen to disagree. I will give some examples.

The States have done a lot with patient protections. We should not ignore that. We should encourage it and compliment it. We should encourage them to do more. It would be presumptuous.

We negotiated access to emergency room care; direct access to pediatri-

cians; provider nondiscrimination; direct access to specialists; continued care from a physician; timely binding appeals to an independent physician; agreement on direct access to OB/GYNs; agreement to improve plan information; agreement on access to out-of-network physicians; agreement on open discussion on treatment options with physicians; agreement on access to prescription drugs; and agreement on access to cancer clinical trials.

We have made a lot of progress. My colleagues say we have not done that. Are we going to say the language we drafted is so much better than anything the States can do and so we have to supersede their language? Some people think we are the font of all wisdom. I do not agree with that. It is absurd for us to say that.

States have been issuing patient protections. Forty-three States have already passed patient protection bills way ahead of the Federal Government.

I think it would be presumptuous of us to say: We are going to draft something. We know it is better. And States, you must comply. If you don't comply, the Federal Government is going to come in to regulate.

That is a serious mistake. I do not want to do it.

I urge my colleagues to vote yes on the proposal that I have submitted on behalf of myself and several others who have worked for over a year and a half to put together. I urge my colleagues to vote in favor of that. And I urge my colleagues to vote no on the Dorgan-Kennedy amendment.

I yield the floor.

Mr. KENNEDY. Will the Senator yield for one question?

Mr. NICKLES. I am happy to yield on your time.

Mr. KENNEDY. I yield myself 2 minutes for that purpose.

What is the scope of and coverage in the Senator's proposal, not what will apply in terms of internal-external appeals, but what is the total coverage?

Mr. NICKLES. The total coverage is, on scope, every single employer-sponsored plan in America would have the right to internal-external appeals.

Mr. KENNEDY. In terms of numbers, what are we talking about in the NICKLES proposal? The initial proposal, the first proposal, was 48 million. We are talking about 161 million in the Dorgan proposal. Does the Nickles proposal include 161 million American families?

Mr. NICKLES. To answer my colleague's question, on the appeals process, it applies to 131 million Americans. We do not say we should design plans written by the States for State employees or for city employees or individuals. Those have always been regulated by the Federal Government. They have never been regulated by ERISA, and they aren't regulated by them in our bill, either.

Mr. DORGAN. Mr. President, let me answer the question of the Senator from Massachusetts. The Senator from Oklahoma took a long while to say no.

Their proposal does not cover the 161 million Americans. It is essentially the same proposal we have seen previously. It falls far short of covering the majority of the American people who our proposal would cover.

Mr. President, I yield 10 minutes to the Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the issue before us today is whether we are going to give the American people what I believe they expect and what they have a right to receive which is uniform, consistent coverage of their fundamental rights as beneficiaries of an HMO contract and as patients in a health care facility as it relates to the responsibilities of that health maintenance organization.

The Senator from Oklahoma has indicated he is going to submit to us a counterproposal to the provision that has been offered by the Senator from North Dakota, which focuses on one of the most fundamental issues and that is, who is going to be covered.

It is a little difficult for us to respond to the Senator from Oklahoma since at least none of us on this side of the aisle has had an opportunity to see the version of the amendment that will be offered. It is similar to seeing a biplane fly by with a long sign dragging behind its tail. That is what we see—a long, fluttering sign that says Patients' Bill of Rights. But we can't see any of the detail that supports that title of a Patients' Bill of Rights.

The question raised by the amendment of the Senator from North Dakota is whether we should have a nationwide standard or whether we should have 50 standards.

We have already answered that question as it relates to the 39 million Americans who are covered by Medicare. We have a national standard for all of those 39 million Americans.

We have answered that question for the 20 to 25 million Americans who get their health care through the Medicaid program. All of those people are covered by a national standard.

The question is whether we are going to provide for those people who get their insurance through private HMO companies rather than through one of these governmental programs to also be granted the right to have a national standard.

The amendment Senator DORGAN has proposed would cover all 161 million Americans with private insurance. They will receive the same full array of protections. The proposal that I anticipate from the Senator from Oklahoma will only fund one type of insurance: self-funded employer plans, which cover only 48 million Americans. The others will be left out.

I take second place to no Member of this body in terms of my support for federalism. I basically believe in the principle that, where possible, decisions should be made at the community and State level. So I consider it

incumbent upon myself to answer the question: Aren't you being inconsistent by now supporting a national standard of patients' rights? Why not leave it up to the 50 States to decide for the 113 million Americans who have private insurance rather than self-funded employer plans? Why shouldn't those 113 million Americans be covered by a State's Patients' Bill of Rights?

I would like to answer that question in the context of one of the provisions within this bill, and that is how you will be treated if you go to an emergency room. I think it is an appropriate provision to use as an example of the larger question of whether this should be determined 50 times by the 50 States or should there be a national consistent standard.

The emergency room happens to be the site of the largest number of complaints by patients against their HMO's treatment. There are more complaints as to access, as to standard of care, and as to care after the initial critical services are provided, there are more complaints by patients in that setting than any other aspect of patient-HMO relationships.

The emergency room is also a setting which is heavy with urgency and emotion. That is not just watching "ER" on television; it is the emergency room in reality.

I have a practice of taking a different job every month. In February of this year, my job was working at the emergency room in one of the largest hospitals in Florida, St. Joseph's Hospital in Tampa. In that setting, I had an opportunity, firsthand, to see some of the issues that an emergency room poses for an HMO patient, such as the question of the patient arriving and asking the question: Am I going to be covered for the services that I will secure from this emergency room?

Am I entitled to access to the emergency room?

It is the question of: Have I come to the right emergency room? Should I have gone to the emergency room that is part of the plan of my HMO or can I go to this emergency room because it is a half hour closer?

It is the question of: What is going to happen after they stop the hemorrhaging and have moved into the poststabilization period? What kind of services can I receive, and what types of authorization do I have to get from my HMO to be certain that those services are going to be paid for?

Those are very fundamental, tangible questions that a family who is taking a loved one to an emergency room will want to have answered.

I suggest it would be preferable to all of the parties involved in this urgent transaction in an emergency room if there were a standard set of answers, whether you were in Tampa or Topeka or Tacoma, WA; that you would get the same answer. It would be beneficial to the beneficiary, to the patient, to know that there would be a consistent set of standards, that he would know, for in-

stance, that he would be judged by the standard of "the reasonable layperson" in terms of access, that he would not be judged, as happens to be the case in my own State of Florida, not by the reasonable layperson standard, which is the rule in Medicare and Medicaid and most States but, rather, as he is in Florida, by the standard of an appropriate health care provider making a determination after the fact as to whether the patient should or should not have considered his or her condition requiring emergency room treatment.

It also avoids confusion by the provider because the provider will know that they can render services to all the people who come into the emergency room based on a single set of standards in terms of what is in that individual's best interest.

Talking about emergency rooms specifically, as I understand it, in the provision of the Senator from Oklahoma, rather than using the norm, which is a 1-hour period in which the HMO can decide whether they will assume responsibility for the patient in the emergency room or allow the hospital of the emergency room to render poststabilization care, the Senator from Oklahoma is going to propose that that 1-hour standard, which is the standard for Medicare, for Medicaid, for most plans, is now going to be ballooned up to 3 hours. So for a person who has been in a serious automobile wreck, who has had bleeding, hemorrhaging, who is in very serious circumstances and has been stabilized but not yet cured or not yet cared for, we are going to have a 3-hour period for that individual to wait for the HMO to decide whether it is OK for the hospital where the injured patient is located to provide the care there, or is the patient going to have to be put in an ambulance and carried to one of their network hospitals. I don't think that confusion as to standard is good medical policy for the providers. It is even not good policy for the insurance companies that have to deal with 50 different State standards as to authorization, length of poststabilization care, the other issues that arise in an emergency room.

Mr. President, as a self-declared Jeffersonian Federalist, this is a case in which we need to have a national standard because it is for the benefit of the good health of the American people. I urge adoption of the amendment offered by the Senator from North Dakota.

Mr. NICKLES. Mr. President, I am assuming we have an informal agreement to go back and forth and to try to keep the time fairly equally divided. I might ask of the Parliamentarian what the division of time is remaining.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Oklahoma has 40 minutes remaining, and the Senator from North Dakota has 24 minutes.

Mr. NICKLES. I yield 7 minutes to my colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in support of the Nickles bill a little bit hesitantly—not my support—because of a conference which is underway which pulls together bills passed by the House of Representatives and by the Senate wherein progress is being made so that we can assure the American people of a real Patients' Bill of Rights.

This process seems to be interrupted time and time again, if not with bills brought to the floor, with press conferences day after day. You haven't seen that from this side. You have seen us working on a very aggressive, daily basis, in a bipartisan, bicameral way to put together a Patients' Bill of Rights—a real challenge because of the number of interests, the number of patient protection issues such as scope and liability. We are making progress.

Because of the political theater that seems to be the name of the play put forth on the other side, we have our response tonight. I am very excited about it. I am very excited because we are putting on the table a real Patients' Bill of Rights which has the objectives of returning decisionmaking back to that doctor-patient relationship, of getting HMOs out of the business of practicing medicine but not having the unnecessary mandates which needlessly drive the cost of health insurance so high that people lose their health insurance.

The alternative bill on the other side of the aisle—one that was defeated last year, a very similar bill defeated 2 weeks ago—we know would drive about 1.8 million people to the ranks of the uninsured.

I can tell the Senate, as a physician, as a policymaker, somebody who has now spent more than 2 years on this bill, we are obligated to the American people to present a bill which is a Patients' Bill of Rights that does not unnecessarily drive people to the ranks of the uninsured by driving up cost. That process is underway. It is interrupted once again tonight.

Tonight, for the first time, we are going to be able to put a new bill that reflects this bicameral, bipartisan work of the conference on the table. I would like to concentrate a few minutes on the actual ten or so patient protections that are in the bill that Senator NICKLES has put forward.

We heard a little bit from the Senator from Florida on a Florida Patients' Bill of Rights and patient protections. We will come back and talk about the scope of the bills a little bit more, but in Florida there are a total of 44 mandates that have already been passed by the legislature and are law in Florida today. The simple question is, Why do we in this body think we can do a better job when the State has jurisdiction already in putting forth mandates?

For example, in 1997, the State of Florida passed a comprehensive bill of

rights, now 3 years ago. For ER services, emergency room services, 4 years ago they passed a Patients' Bill of Rights. They passed consumer grievance procedures; breast reconstruction in 1997; direct access to OB/GYNs passed in 1998 in Florida; direct access to dermatologists, 1997; external appeals, 1997.

It comes down to the basic premise that we believe we should write a bill in terms of scope, in terms of the ten patient protections that apply to those people under Federal jurisdiction, and not come in and say we know better than the Governor of the Assembly of Florida or Tennessee or Arkansas.

Very briefly, I will talk about the patient protections.

No. 1, emergency care: Under the Nickles bill, plans must allow access to emergency service. This provision guarantees that an individual can go to the nearest emergency room regardless of whether the emergency room is in the network, in the plan or outside of the plan. It is the nearest emergency room. So these press conferences where you see pictures of people skipping to different emergency rooms, it is not in the bill. In this bill you go to the nearest emergency room.

No. 2, point of service: In this bill all beneficiaries covered by a self-insured employer of 50 or more employees must have a point of service option regardless of how many different closed panel options an employer offers.

No. 3, access: Specialists such as an obstetrician/gynecologist, under the Nickles bill, patients receive a new right for direct access to a physician who specializes in obstetrics and gynecological care for all obstetrical and gynecological care.

No. 4, access to pediatricians: Under our plan, a pediatrician may be designated as the child's primary care provider; that is, if a plan requires the designation of a primary care provider for a child.

No. 5, continuity of care: Under the Nickles bill, when a provider is terminated from the plan network, patients currently receiving institutional care, if they are terminally ill, may continue that treatment with the provider for a period of up to 90 days.

No. 6, access to medication, a real issue for physicians and for patients, this whole idea of a formulary: under the Nickles bill, health plans that provide prescription drugs through a formulary are required to ensure the participation of physicians and pharmacists in designing the initial formulary and in reviewing that formulary.

If there are exceptions from that formulary and a nonformulary alternative is available, then the patient has access to that nonformulary alternative.

No. 7, access to specialists: As a heart and lung transplant surgeon, this is something I believe is absolutely critical and very important to have in the Patients' Bill of Rights. With the Nickles bill, patients will receive timely access to specialists when needed.

No. 8, gag rules: Under the Nickles bill, plans are prohibited from including gag rules in providers' contracts or restricting providers from communicating with patients about treatment options.

No. 9, access to approved cancer clinical trials: Again, this is very important. We have heard a lot about the human genome project today and the great advances. That is good because it gives you the "phone book." We have to figure out what it means. In the same way, if you have new pharmaceutical agents, or treatments for cancer, you have to figure out whether or not they work; therefore, access to approved cancer clinical trials. The Nickles bill provides coverage of routine patient costs associated with participation in approved cancer clinical trials sponsored by the NIH, the Department of Veterans Affairs, the Food and Drug Administration, and the Department of Defense.

No. 10, provider nondiscrimination: Under the Nickles bill, plans may not exclude providers based solely on their license or certification from providing services.

No. 11, after breast surgery, mastectomy length of stay, and coverage of second opinions: Plans are required, under the Nickles bill, to ensure inpatient coverage for the surgical treatment of breast cancer for a time determined by the physician, in consultation with the patient.

The PRESIDING OFFICER. The time of the Senator has expired.

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

Mr. LOTT. Mr. President, I have a unanimous consent request that has been cleared now on both sides of the aisle, if I may interrupt momentarily.

I ask unanimous consent that the motion to waive the Budget Act for consideration of the Gramm point of order be withdrawn.

I further ask consent that the Gramm point of order be temporarily laid aside, to be recalled by the Senator from Texas, after consultation with the majority leader and the minority leader, and the Chair rule on the point of order immediately, without any intervening action, motion, or debate.

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

Mr. LOTT. I yield the floor.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

Mr. REED. Mr. President, I rise in support of Senator DORGAN's proposal. It is very straightforward, simple, and it states categorically that all Americans covered by health insurance should have the protections of the Patients' Bill of Rights. Nothing could be clearer or more effective and efficient in providing protections to the American people, to which we all, by and large, agree.

We have seen this proposal in the Democratic legislation that was submitted to this Chamber. It is included

within the Norwood-Dingell legislation in the other body. It is consistent, it is appropriate and, frankly, it seems so common sensical. Why should an American citizen be denied protections and practices and benefits because he or she is in an ERISA plan rather than a non-ERISA plan? ERISA is a time and security income program created to protect the solvency of retirement funds and the financial aspects of these plans. It was never intended to be a health care plan or to define the coverage for health care plans in the United States. So on that point alone, it seems to be an inappropriate way to discriminate against those Americans who have access to the protections of the Patients' Bill of Rights.

I have been listening to the proposals by the Senator from Oklahoma and the description of the Senator from Tennessee and trying to understand their proposals. My understanding is this: They have—and Senator FRIST has announced a long list of protections and rights, and they only apply to ERISA plans—48 million Americans. The appeals process, however, would be expanded to apply to 131 million Americans.

Now, it appears to be inconsistent, but I think the rationale and the logic is pretty clear. If you don't have rights, it doesn't matter whether or not you have an appeals process. If you don't have the rights outlined by the Senator from Tennessee, then you could have the appeals process, but what are you appealing? You are appealing nothing. It comes back to the point that Senator DORGAN has made so well. This issue is about scope, so that not only do you have the right to appeal—all Americans—but you actually have valid rights that you can insist upon in an appeals process. That is included within the Democratic proposal, the Norwood-Dingell bill, and it is significantly absent from the Republican proposal we are hearing today.

Now, the justification, of course, for this approach—the Republican approach—is we can't disrupt State regulations, or the sanctity of State regulations. However, step back and look again. Under the pressure of Norwood-Dingell, the pressure of Senator DORGAN's proposal, and the pressure building up month after month of trying to bring this Patients' Bill of Rights to the floor for final passage—something solid and substantive—the appeals process has been expanded. When it comes to appeals, we are saying we don't care about State regulations anymore. That argument falls out. If we don't care about the appeals process with respect to the sanctity of State regulations, why do we care when it comes down to fundamental rights? Or why do you care about it in this, I think, inappropriate, illogical, and irrelevant distinction between ERISA plans and non-ERISA plans? The answer is, this ERISA distinction is a convenient dodge to avoid providing rights for all Americans in this health care bill.

Now, also, they talk about the fact that the cost of these patient protections will go up dramatically. Yet the Senator from Tennessee just announced a long list of protections that apply to ERISA plans. Why, if these are so onerous and costly, would we allow them to be applied to ERISA plans and not to other plans? The answer, I think, also should be obvious. It is that, in fact, these proposals are not only necessary but appropriate, and that the costs will not unnecessarily drive people away from insurance protection.

So what we have in the Republican proposal is based upon illogical premises, distinctions that should not be in place with respect to ERISA or non-ERISA, and also would create a complexity that is one of the bane of our health care system today. On this side, and also on the bipartisan measure adopted by the House of Representatives, you have a very simple, direct proposal that will cover every American—not just in the appeals process but in the basic rights they have. I think, in comparison, it is clear that we should support the amendment of the Senator from North Dakota.

Mr. NICKLES. Mr. President, I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, if we are going to talk about improving patient care, we should talk about improving quality of care. We believe that every patient is entitled to the best medicine available. Reducing medical errors is an important part of improving quality. In fact, it is a critical issue.

The Institute of Medicine released a report late last year, which I requested. It focused our attention on the need to reduce medical errors to improve patient safety. The IOM report said that more people in this country die of medical errors than die of breast cancer, AIDS, or motor vehicle accidents—the one statistic we cannot ignore. In response to this report, the HELP Committee held four hearings. On June 15, Senator FRIST, Senator ENZI, and I introduced S. 2738, the Patient Safety and Errors Reduction Act.

This amendment, which is based on our legislation, will attack the problem of medical errors in several ways. First, it will provide a framework of support for the numerous efforts that are underway in the public and private sectors. Second, it will establish a center for quality improvement and patient safety within the agency for health care research and quality. Finally, it will provide needed confidentiality protections for voluntary medical error reporting systems. These provisions are consistent with the Institute of Medicine's recommendations.

The IOM report calls on Congress to establish a center for quality improvement and patient safety at the agency of health care research and quality.

This Center will take the lead on patient safety research and knowledge dissemination so that what is learned about reducing medical errors can be communicated across the country as quickly as possible.

The Institute of Medicine's report also calls on Congress to provide confidentiality protections for information that is collected for the purposes of quality improvement and patient study. This is the only way to get doctors and nurses to begin to voluntarily report their errors. These protections apply only to medical error reporting systems and do not diminish the current rights of injured patients. They will still have access to their medical records and they will still have the same right to sue as they do now.

We heard loud and clear at our four hearings that we need to encourage the reporting of close calls. A close call is a situation in which a mistake is made, but it does not result in injury to the patient. No harm is done, but the potential for harm is there.

Many times these "close calls" or "near misses" are the result of problems with the system. The nurse calculates the dose incorrectly because the medication name ordered was folic acid and she is accustomed to giving folic acid. The doctor orders an inappropriate medication because he has no way to know that another doctor has given his patient a medicine that will interact.

Studies show that mandatory systems may actually suppress rather than encourage reporting. Punishment of individuals who make mistakes is not only ineffective, it is not the goal. The goal is patient safety.

It is time that we include our health care industry in the list of industries that have adopted continuously quality improvement and have taken significant steps to reduce human errors. Good people make mistakes. We need to do everything we can to put the systems in place to ensure that health care mistakes are very hard to make.

Neither the Institute of Medicine nor Congress discovered this medical error problem. Health care professionals have been at work for some time in trying to address medical errors. I hope that by becoming a partner in this process, the federal government can accelerate the pace of reform and provide the most effective structure possible.

I am pleased that this confidential, voluntary, non-punitive approach to addressing medical errors has the support of both the provider community and their oversight agencies.

We cannot afford to wait on this issue. The Nickles amendment will raise the quality of health care delivered by decreasing medical errors and increasing patient safety.

Mr. DORGAN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Dakota has 19 minutes, and the Senator from Oklahoma has 27 minutes.

Mr. NICKLES. Mr. President, I yield to the Senator from Wyoming 5 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Oklahoma.

I, too, am distressed that we are debating the scope at this point. We had the opportunity to discuss this in a bipartisan way and to come up with good solutions. We were making good progress. We have been making good progress. Unfortunately, the opposition has decided that a national health care plan is the only way to go. A national health care plan has been defeated around here a lot of times. I can tell you that there are a lot of people who do not want a national health care plan. They do not understand a national health care plan. If I even considered one, folks wouldn't send me back again—not the ones from Wyoming. We have a little different atmosphere in Wyoming than they do maybe in Massachusetts or New York or Florida. But the people there want health care as bad as anywhere else. They don't want to be driven out of the market by rising costs for regulations that do not really even affect them. We don't have HMOs in Wyoming, except one small one owned by doctors.

The regulations that will work for other States in this country will not work for Wyoming. We have an insurance commissioner. His name is John McBride. The nice thing about Wyoming is if you have an insurance problem you call the insurance commissioner. You can talk to him or to one of the people who work for him. You can call them by their first names. I don't have to call them "Mr. Commissioner." And they will help you get your problems straightened out. They will help out a lot faster than using a national health care plan that results in a chart such as this.

Can you picture me telling the folks in Wyoming that the insurance commissioner can't help them anymore, and to just pick the phone up and call HIPAA? I don't know the thousands and thousands of employees who work there. I especially don't know any of the thousands and thousands who they will have to hire to do the kind of job that the scope is calling for by our opponent.

A reasonable scope that handles the rest of the people who are not covered by States where they can call the people and get the same person every time so they don't have to explain again their problem every single day is the kind of service people expect. It is the kind of service they can get, but not if we take away States rights.

Guess what. It looks even worse for consumers under the HCFA's "protection," according to a release by the GAO on March 31 of this year.

The model the Democrats are supporting for implementing the Patients' Bill of Rights is the Health Insurance Portability and Accountability Act, af-

fectionately known as HIPAA. I quote from the report:

Nearly only four years after HIPAA's enactment, HCFA continues to be in the early stages of fully identifying where enforcement will be required.

There are all kinds of stories about the Washington bureaucracy. Under their scope, they want us to give up the State plans in favor of this group that is still trying to figure out where they are going. Is that responsible? No.

There are other things that need to be negotiated out in this bill. But that is not an option we are being given when they start piecemeal. Every piece of a Patients' Bill of Rights interacts with the other part. When you jerk out one part of the scope and try to do that without talking about all of the other parts of it that interacts with the scope you wind up with nothing but a mess. To try to do that in a little two-page bill makes it look easy. We have gone from hard on an earlier one to a really easy one now. And neither of them will do it and protect the people in my State. I suggest that it will also not protect people in other States.

I am becoming less surprised that after walking away from the conference for the Patients' Bill of Rights, the Democrats are hurling accusations about others not wanting to get a bill done and enacted. That's an incredibly counter-productive reaction to giant steps on our part toward compromise. This conference has been long and time-consuming, but it has been working. There is not a single reason why we should abandon a process that is working. Yet, politics has been invited in, and I think the majority of us here to highlight why that's such a terrible mistake. Choosing this path is a vote to abandon patients in favor of a political issue.

Among the handful of principles that are fundamental to any true protection for health care consumers, probably the most important is allowing states to continue in their role as the primary regulator of health insurance.

This is a principle which has been recognized—and respected—for more than 50 years. In 1945, Congress passed the McCarran-Ferguson Act, a clear acknowledgment by the federal government that states are indeed the most appropriate regulators of health insurance. It was acknowledged that states are better able to understand their consumers' needs and concerns. It was determined that states are more responsive, more effective enforcers of consumer protections.

As recently as last year, this fact was re-affirmed by the General Accounting Office. GAO testified before the Health, Education Labor, and Pensions Committee, saying, "In brief, we found that many states have responded to managed care consumers' concerns about access to health care and information disclosure. However, they often differ in their specific approaches, in scope and in form."

Wyoming has its own unique set of health care needs and concerns. Every

state does. For example, despite our elevation, we don't need the mandate regarding skin cancer that Florida has on the books. My favorite illustration of just how crazy a nationalized system of health care mandates would be comes from my own time in the Wyoming legislature. It's about a mandate that I voted for and still support today. You see, unlike in Massachusetts or California, for example, in Wyoming we have few health care providers; and their numbers virtually dry up as you head out of town. So, we passed an any willing provider law that requires health plans to contract with any provider in Wyoming who's willing to do so. While that idea may sound strange to my ears in any other context, it was the right thing to do for Wyoming. But I know it's not the right thing to do for Massachusetts or California, so I wouldn't dream of asking them to shoulder that kind of mandate for our sake when we can simply, responsibly, apply it within our borders. What's even more alarming to me is that Wyoming has opted not to enact health care laws that specifically relate to HMOs, because there are, ostensibly, no HMOs in the state! There is one, which is very small and is operated by a group of doctors who live in town, not a nameless, faceless insurance company. Yet, under the proposal the Democrats insist is "what's best for everybody," the state of Wyoming would have to enact and actively enforce at least fifteen new laws to regulate a style of health insurance that doesn't even exist in the state!

As consumers, we should be downright angry at how some of our elected officials are responding to our concerns about the quality of our health care and the alarming problem of the uninsured in this country.

It is being suggested that all of our local needs will be magically met by stomping on the good work of the states through the imposition of an expanded, unenforceable federal bureaucracy. It is being suggested that the American consumer would prefer to dial a 1-800-number to nowhere versus calling their State Insurance Commissioner, a real person whom they're likely to see in the grocery store after church on Sundays.

As for the uninsured population in this country, carelessly slapping down a massive new bureaucracy that supercedes our states does nothing more than squelch their efforts to create innovative and flexible ways to get more people insured. We should be doing everything we can to encourage and support these efforts by states. We certainly shouldn't be throwing up roadblocks.

And how about enforcement of the minority's proposal?

Well, almost one year ago this body adopted an amendment that stated, "It would be inappropriate to set federal health insurance standards that not only duplicate the responsibility of the 50 State insurance departments but

that also would have to be enforced by the Health Care Financing Administration (HCFA) if a State fails to enact the standard."

Yet here we are one year later where, not only is it being suggested that we trample the traditional, overwhelmingly appropriate authority of the states with a three-fold expansion of the federal reach into our nation's health care, they still insist on having HCFA be in charge. HCFA, the agency that leaves patients screaming, has doctors quitting Medicare, and, lest we not forget, the agency in charge as the Medicare program plunges towards bankruptcy.

And guess what, it looks even worse for consumers under HCFA's "protection," according to a new report released by GAO on March 31 of this year. The model the Democrats are supporting for implementing the Patient's Bill of Rights is the Health Insurance Portability and Accountability Act, affectionately known as HIPAA. I quote from the report: "Nearly four years after HIPAA's enactment, HCFA continues to be in the early stages of fully identifying where federal enforcement will be required." Regarding HCFA's role in also enforcing additional federal benefits mandates that Congress has amended to HIPAA, the GAO states, "HCFA is responsible for directly enforcing HIPAA and related standards for carriers in states that do not. In this role, HCFA must assume many of the responsibilities undertaken by state insurance regulators, such as responding to consumers' inquiries and complaints, reviewing carriers' policy forms and practices, and imposing civil penalties on noncomplying carriers." And then, the GAO report reveals that HCFA has finally managed to take a baby step: "HCFA has assumed direct regulatory functions, such as policy reviews, in only the three states that voluntarily notified HCFA of their failure to pass HIPAA-conforming legislation more than 2 years ago."

Is this supposed to give consumers comfort? First we should usurp their local electoral rights or their ability to influence the appointment of their state insurance commissioner and then offer up this agency as an alternative? I'm sure I could find a single Wyomingite to clap me on the back for this kind of public service.

I could go on at length about the very real dangers of empowering HCFA to swoop into the private market, with its embarrassing record of patient protection and enforcement of quality standards. Such as how it took ten years for HCFA to implement a 1987 law establishing new nursing home standards intended to improve the quality of care for some of our most vulnerable patients. But I think the case has already been crystallized in the minds of many constituents: "enable us to access quality health care, but don't cripple us in the process."

The next, equally important issue is that of exposing employers to a new

cause of action under a Patients' Bill of Rights. Employers voluntarily provide coverage for 133 million people in this country. That will no longer be the case if we authorize lawsuits against them for providing such coverage. This is basic math. If you add 133 million more people to the 46 million people already uninsured, I'd say we have a crisis on our hands. In my mind, a simpler decision doesn't exist. We should not be suing employers.

Let me close by saying that the conference has worked in incredible good faith. We have come to conceptual agreement on a bipartisan, bicameral basis on more than half of the common patient protections. We have come to bipartisan, bicameral conceptual agreement on the crown jewel of both bills—the independent, external medical review process. Most dramatically, the bicameral Republicans offered a compromise on liability and scope, to which the Democrats responded with only rhetoric and political jabs in the press. It is absolutely bad faith to have done so. I think it would be regrettable if these continued public relations moves torpedo what, so far, has produced almost everything we need for a far-reaching, substantive conference product.

I encourage all of my colleagues to take the high road and support the legislative process our forefathers had in mind, versus a public relations circus.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

I have listened to this discussion, and it is pretty interesting. It seems to me that if you don't want to pass a Patients' Bill of Rights—perhaps for the reason the Senator from Wyoming suggested, which is that the Federal Government ought not to have any involvement in this issue—then just say so. Don't come out here and describe an alternative as if it is doing something that it is not really doing.

According to my colleague, we have a 258-page amendment. It kind of reminds me of the "Honey, I shrunk the plan" approach, this suggestion that what we should go back to covering 48 million people rather than 161 million people.

The Senator from Tennessee talked earlier about emergency room care and a number of the patient protections we have proposed. I hope he will respond to my inquiry. Is it not the case that the emergency room care provisions in the Senator from Oklahoma's amendment applies only to about 48 million people. Isn't it so that two out of three people will not be covered with the kind of protection the Senator suggested was covered in their proposal? It seems to me it would be a much better approach to simply say we don't support a Patients' Bill of Rights.

Mr. FRIST. Mr. President, will the Senator yield?

Mr. DORGAN. I will yield for about 15 seconds.

Mr. FRIST. Mr. President, emergency room provisions are a good case in point. It comes up all the time. It is important that people have the right to go to emergency rooms. Emergency room provisions are important. The Senator is exactly right. For the 51 million people who the Federal Government regulates, we have a responsibility to put emergency room provisions in there. That is what the Nickles bill does for the States.

The other people the Senator is talking about—does he know how many people already have specific emergency room provisions legislated for managed care? We do. It is not 10 States or 20 States or 30 States or 40 States. I don't have the exact number. I know more than 43 States have taken care of the emergency room provisions.

Mr. DORGAN. I understand the Senator's answer, which is that the substitute offered by Senator NICKLES provides coverage for only about 48 million Americans. It is the same approach they have used previously.

One can suggest that all of these protections I am proposing are covered elsewhere. If that is the case, why does the Senator object?

The Senator from Oklahoma seems irritated we have raised this issue again. Let me tell you what Congressman NORWOOD, a Republican serving in the House who is a sponsor of the House legislation, said on May 25, and I quote: I am here to say the time's up on the conference committee. We have waited 8 months for this conference committee to approve a compromise bill. Senate Republicans have yet to even offer a compromise liability proposal. They have only demanded that the House conferees abandon their position.

This is a Republican saying the time is up on the conference committee.

Let me also point out that the Senate passed, in my judgment, a poor piece of legislation. It has the right title but it doesn't include the right provisions. The House passed a good piece of legislation, but the House leadership appointed conferees to the conference that voted against the House bill. Their conferees voted against the House bill. So the conference isn't even on the level.

If month after month after month goes by and you don't want to have a Patients' Bill of Rights because you don't believe the Federal Government ought to be involved in this, just tell the patients that. Say to the patients: We don't believe Congress ought to do this. You should go ahead and fight cancer and fight your HMO at the same time. Go ahead and do that.

The fact is, we can do better. The proposal we are offering today is very simple. We believe that a Patients' Bill of Rights establishing basic rights that patients ought to be able to expect in dealing with their insurance company is a proposal that ought to get 100 votes in this Congress.

There are some who say, when asked the question, Whose side are you on?

Let us stand with the insurance companies.

We believe Members ought to stand with the patients. There is a genuine and serious problem in this country with patients not getting the treatment they expect, need, or deserve. Patients find themselves having to fight cancer and their insurance company. That is not fair.

The question is whether this Congress will do something about it. The question is not whether this Congress will pass a national health care plan. That is nonsense. That is not what is being debated. I see more shuffle and tap dances going on around here on this debate. The fact is, if you want to pass a good Patients' Bill of Rights, do what the House did. Understand that Dr. NORWOOD, a Republican Congressman, knows what he is talking about. This conference hasn't moved. This conference isn't accomplishing anything. That is why we have offered this amendment.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. To respond to a couple of comments, my colleague read from a Norwood letter that said the Republican conferees are not addressing liability. We have liability on the floor of the Senate. Mr. NORWOOD is not a conferee. Maybe he didn't know what he was talking about. We have liability on the proposal. Granted, there was not liability in the Senate bill we passed. There is on the bill we have before the Senate.

When we talk about scope, we have scope that applies to 131 million Americans in the appeals process and liability that they can sue their HMO.

To read a letter by a Congressman that says the conference is not doing anything, they don't have liability, and we have liability is a little misleading.

When my colleague from North Dakota says our proposal doesn't have a Federal takeover of insurance, you might read the amendment. The amendment on page 2 says:

(3) provide the Federal Government with the authority to ensure the Federal floor referred to in paragraph (1) is being guaranteed and enforced with respect to all individuals described in such paragraph, including determining whether protections under State law meet the standards of such Act.

In other words, the Federal Government will run State insurance, period. The Federal Government is going to take over. It is in his amendment.

I think that needed to be pointed out.

I yield 10 minutes to my colleague and conferee on this bill, the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I thank Senator NICKLES, whose leadership on this issue I think is without equal on any issue on which I have worked since I have been in the Senate. I know the people of Oklahoma, who Senator NICKLES rep-

resents, watch this on television at home. They wonder, what is this all about? You did, you didn't; you did, you didn't. This has to be confusing.

In the limited time I have, I want to set this debate in historical perspective so everybody knows what this is about. When Bill Clinton was elected President, he had a goal of having the Government take over and run the health care system. In fact, I have before me the Clinton health care bill. This would have mandated one giant, national HMO run by the Government; HMOs would set up health care collectives, and of course the right people would be chosen to decide what health care we all needed.

If you went to your doctor, he would have dictated, under the Clinton plan, the kind of treatment he could give. If he violated their guidelines because he thought you needed it, he would be fined \$50,000.

If, under the Clinton health care bill, you went to a doctor and said, I don't think all these experts are right and my baby is sick, my baby could be dying, I will pay you to treat my baby, if the doctor did it, he could go to prison for 5 years.

That is the health care system my Democrat colleagues are for. The Members who were here voted for it and supported it. They know what they want. They want the Government to take over and run the health care system. They want to herd Americans into health care purchasing cooperatives, or collectives, as they call them, and you have to be a member or else you don't get health care in America. That is what they want. That is where this debate started.

Now, we are trying to give patients rights in dealing with HMOs. We want internal and external review. We want the external review to be independent. We want to guarantee them rights. But there is one fundamental difference between the Democrats and us. We think this is a delicate balance, because we don't want to drive up health care insurance costs so much that millions of people lose their health care.

Senator KENNEDY's bill was scored as driving up the cost of every person's health care in America by over 4 percent and costing 1.2 million American families their health insurance. What patient right is more basic than having health insurance? They give you lots of rights, but if you lose your health insurance, how do you pay for your health care? There is the difference between them and us. We have to be concerned about 1.2 million people losing their health care; they don't.

When Clinton said, let us take over and run the health care system and put everybody into these health care collectives, what did he say the problem was? The problem was that we had too many people without health insurance. So if their bill passed and millions of people lost their health insurance, what do you think they would say? They would say: We have a solution;

the solution is a government takeover of health care.

This job is easier for them than it is for us because they don't care if the baby dies, because they want to replace it. It reminds me of that story in the Bible. Some of you may remember it. Two ladies had gone to bed, and during the night one of them's baby had died and the other one had taken the baby. They come before Solomon. Solomon, in his wisdom, after listening to their arguments, says let's just cut the baby in half. That is what they are saying—cut the baby in half. Then one lady said: OK, cut the baby in half; and the other said: No, let her have the baby. Then Solomon knew whose baby it was.

This is our baby. We love freedom. We love the right of people to choose. We love the greatest health care system the world has ever known. We are not going to let the Government take over and run the health care system. That is what this debate is about. That is what our Democrat colleagues want. They are willing to destroy the greatest health care system the world has ever known because they want the health care system where the Government runs it. They think it would work better. We don't. Neither did America in 1993 and 1994, which is why we have a Republican majority today.

The second issue is scope. What does that mean? For those watching this on television, what does "scope" mean? What it means is, what should this Federal law do as it relates to the State in which you live?

Our Democrat colleagues believe with all their heart—they are as sincere as they can be—that there is only one place in the world where people have really any sense: Washington, DC. They think people in city governments and county governments and State governments are ignorant and uncaring. They believe Washington is brilliant, all-knowing, and all-caring. So what they want to do is write one bill in Washington and impose it on every living person in America.

We do not agree. We do not believe that just coming to Washington all of a sudden makes you brilliant. In fact, it is a long way from Washington to Wyoming. It is a long way from Washington to Texas. We joined the Union in Texas because we wanted freedom. We didn't join the Union to give it up.

What is the difference between the two bills? Their bill says we are going to write things the way we want them, and you are going to do it that way or we are going to come to your State, we are going to cut off your money, we are going to cut off your health care, and in some cases we are going to put you in jail. That is their way of doing it. You remember, in their bill if you went to this doctor, got down on your knees and begged that he take your money and treat your child, he went to prison for it; That was in their bill, the Clinton health care bill.

What we say is: Look, we will write a basic standard for patient protections.

But what if the people in Wyoming decide, since they don't have any HMOs—and this bill is about dealing with HMOs—that they should not have to come under the Federal Government to deal with a problem they don't have? They don't think they should. I don't they should either.

People in Tennessee and Texas were protecting patients before we got into this business. They passed comprehensive bills. All we are saying is our bill applies to those not already covered. But if people in Texas, through their government, through their elected Representatives, decide they appreciate our help, they appreciate our caring, they know we love them, they kind of figure we know everything—but just in case we are wrong, they would rather implement their own program for their own jurisdiction, our Democrat colleagues say: No, they don't care enough, they don't know enough, they are ignorant.

We do not agree. We want people in Wyoming to be able to say: Look we really appreciate the bill, we know you guys want to help us, but we don't have any HMOs; we say they ought to have the right to opt out.

If Tennessee says: Look, we set up TennCare because we adopted the Clinton health care bill in Tennessee—they wish they hadn't done it, but they did—if they say we would rather do it our way than your way, our Democrat colleagues say: What do you know? What do you know in Tennessee? You people in Tennessee don't know and don't care about people. We want to do it for you. We are going to tell you how to do it.

What we say is: Look, we have written a good bill. We want everybody to look at it very closely. In those areas where only Federal law applies, the bill applies. You can't get out from under it because there are no other protections. But if Tennessee decides in areas where they have already passed a Patients' Bill of Rights that they would rather do it their way than our way, we say if their elected Representatives, their Governor, decides to do it that way, they have the right to do it.

Is that an extreme view? Is that somehow denying people protection? Is freedom a denial of protection? Is keeping the right to choose denying people a basic health right? I don't think so. I think it enhances rights. And that is what this debate is about.

Our Democrat colleagues with all their hearts believe that the Government ought to take over the health care system and they think everything should be done in Washington.

I reserve the remainder of our time.

Mr. DORGAN. Mr. President, I yield 7 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is always interesting to listen to my friend and colleague from Texas. But I still am trying to find out why he is

opposed to the protections which are included in our Patients' Bill of Rights. There was a lovely, wonderful statement about his reservations and about the importance of freedom to HMOs: If we give total freedom to HMOs, the public be damned. That is what has happened too often. What we are talking about is the protections that are guaranteed in a Patients' Bill of Rights, which is, interestingly, all the kinds of protections he has in his health insurance under the Federal employees program.

There is not a Member of the Senate who has not accepted the Federal employees program, and it guarantees virtually every one of these protections we are talking about tonight with the exception of the right to sue.

The question before the Senate tonight is this: Are we going to insist that whatever protections we are going to pass in a Patients' Bill of Rights are going to be available and accessible to all Americans? That is the Norwood-Dingell bill, the bill we on our side of the aisle favor. Whatever protections we are going to put in ought to include the 161 million Americans with private health insurance. That is our principle, that is what we stand for.

All you have to do is read the Nickles bill and you will find out that it covers exactly what was in the Senate Republican bill—only the 48 million Americans who are self-insured. Whatever protections they are talking about cover only those 48 million.

Look at the Nickles access to pediatric provision: "If a group health plan"—that would be 123 million people;—"other than a fully insured group plan." Other than; that knocks out the fully insured. It knocks all of them out. So the guarantees on pediatric care apply to only 48 million out of 161 million.

Go through the rest of the Nickles bill. Go through coverage of emergency services. It says, again, "If a group health plan"—they are covering 123 million. The next sentence, "other than a fully insured group health plan." Other than fully insured—75 million. How many are left out? Forty-eight million. They cover the same number of people they covered 7 months ago. That is the reality. Here it is in their bill. Every one of these guarantees: If a group plan, other than a fully insured group plan. You go for the 48 million in the legislation that is rejected by Dr. NORWOOD, who is the principal health spokesman for Republicans on health matters over in the House of Representatives.

There it is. Their own language. They cover 48 million. The Dorgan proposal said: Whatever we are going to do, in terms of protecting consumers, let's protect them all—161 million.

We are one vote away in the Senate from passing an effective Patients' Bill of Rights. The conference is a failure. The amendment offered by the Senator from Oklahoma does not even have the support of the House Republicans. And

only one of the House Republican conferees was a supporter of the Norwood-Dingell bill.

There is no agreement on covering all Americans. There is no agreement on external appeals. There is no agreement on holding health plans accountable. There is no agreement on access to specialists, to clinical trials, or a host of other patient protections. There was no agreement.

This vote today is a chance for the Senate to make a statement. A vote for the Dorgan amendment is a vote for the proposition that every patient in America is entitled to protection. Establishment of that principle is a giant step towards the day the Senate will pass a true patients protection program. A vote for the Nickles amendment is a vote against patients and for insurance companies. It is a vote for covering less than a third of all Americans. It is a vote for the same limited coverage originally passed by the Senate. It is a vote for a review process that is not truly independent. It is a vote against meaningful accountability. It is a vote against access to specialists outside a plan, even if the specialist is the only one able to treat that condition. It is a vote against access to clinical trials for heart patients. It is a vote for a bill that is so inadequate it will never pass the House, and it will never be signed by the President. It will not protect the thousands of patients who are injured every day.

It is up to the Senate. We should vote for the principle that everyone be covered. We should vote against a plan rejected by every group of patients and doctors, and by House Republicans. And we should come back after the recess and pass a real patients' rights bill, of which we can all be proud, whether we are Republicans or Democrats. Let's protect patients, not HMOs. I withhold the remainder of my time.

Let's protect patients, not HMOs. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 10 minutes, and the Senator from North Dakota has 7 minutes.

Mr. NICKLES. Mr. President, for the information of all of our colleagues, it is my expectation we will have a vote about 7:20 p.m. I say to the majority leader, all time will expire by about 7:20 p.m. We are happy to vote on both proposals. So colleagues should be on notice to expect two rollcall votes beginning at 7:20 p.m.

I yield 5 minutes to my colleague, a conferee on the bill, the Senator from Arkansas, Mr. HUTCHINSON.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I compliment and commend the Senator from Oklahoma, Mr. NICKLES, for the

hard work he has done and the months of labor he has put into this conference. Anybody who has followed the reports of what has come out of this conference cannot honestly say it has been glacial movement. Enormous progress has been made. Concessions have been made on the part of the House conferees as well as the Senate conferees.

This is no way to legislate and no way to provide patient protections the way Senator KENNEDY and Senator DORGAN have done in parceling out a little piece here and there. Tonight we are going to do scope. That is not the way to legislate. This is truly the triumph of politics over policy.

I was writing as various Senators on the Democratic side made speeches. They spoke of a national standard, of universal coverage, and of a national health system. To this Senator's mind, they could be synonymous with a national health care system. We had that debate. We had it in 1993. It was called "Clinton care." Senator GRAMM piled it up over here, and it was about 2 feet tall.

The American people made a judgment on "Clinton care." We do not want a national health care system, nor is that in the best interest of Americans.

The real debate tonight centers around not whether we want protections for all Americans or whether we believe we are the only ones who can provide that protection or whether the States have a legitimate role in providing protections for their citizens. How many States have patient protection laws? Forty-three States have already enacted patient protection laws.

Do we not believe they have the best interests of their citizens in mind? What we are doing in our legislation is providing protection where States cannot do it where Federal jurisdiction is legitimate. Under ERISA and self-funded plans, we do that, as we should.

I listened to my colleague from Massachusetts, Senator KENNEDY. In his State, in 1996, they had a ban on gag clauses. They passed a grievance procedure. They, in fact, have 26 State mandates. Does the Senator not believe they care about their citizens?

I heard my colleague and good friend from Florida speak of the need for a national system. The State of Florida passed a comprehensive bill of rights in 1997, emergency room services in 1996. They have 44 State mandates. Do they not care? They care as much as we care, and they know their State better than we do.

I heard my colleague from the State of Rhode Island speak about the need for a national health care system. Rhode Island passed a comprehensive consumer rights bill in 1996. They have passed 27 mandates in Rhode Island. I can go on and on. Forty-three States already have a bill of rights. It is not our place to usurp their authority. It is not our place to take over insurance that has traditionally and historically

been regulated at the State level. It is wrong for us to do that.

To my colleagues I say we have a conference in progress. It is progress. It is working hard. It is making progress. That is the way we should provide patient protections, not through an amendment on an appropriations bill.

I thank my colleague, Senator NICKLES, for the hard work he has done and all the conferees and look forward to when we will have a meaningful patients' rights bill passed into law.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, has the Senator from Oklahoma completed his debate? It is my intention to close debate on my amendment.

Mr. NICKLES. I will be happy to let my colleague close. How much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma has 5 minutes, and the Senator from North Dakota has 7 minutes.

Mr. NICKLES. I yield 3 minutes to my colleague from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator for bringing forward this extremely positive proposal in the area of patient protections. This bill has a lot of initiatives, many of which have been outlined very well by my colleagues. One that has not been highlighted as completely as I would like because of time—and I want to touch on it quickly—is the issue of liability.

When our bill initially passed the Senate, we did not include an opportunity to sue, but we have changed that policy. Under the bill as it is proposed today, first there is a tremendously positive appeals process. If a patient believes they have been aggrieved by their HMO, they have the right to an internal appeal and an external appeal which is set up with an independent group of physicians who will review the case and who are knowledgeable on that subject. More importantly, if a patient thinks they have been aggrieved, under certain circumstances, they will be able to sue that HMO. What they will not be able to do is have an open season on the employer.

If one looks at the proposal that has been put forward by the other side, they are suggesting we have an open season on employers. The whole exercise in the Patients' Bill of Rights is not to have open season on employers. It is to address inequities occurring to people as they deal with their insurers, specifically with health maintenance organizations.

If we allow this open season on employers, we will simply drive people out of insurance. Instead of improving insurance for individuals across the country, individuals across this country will walk into work one morning and their employers will say: I did not give you this health care policy which happens to be a very expensive event in my day in trying to make an effective

workplace; I did not give it to you so lawyers could use it as a game area to bring suits against me.

Employers across this Nation are going to simply drop their health care insurance. They will give their employees a certificate to buy their own health insurance or some other type of vehicle to allow them to compete in the marketplace. Because employers are able to get a better price and are able to tailor their insurance policies more effectively to the needs of their employees in different regions of this country, the practical effect will be employees get significantly much less health care under the proposal coming from the other side because employer after employer will simply drop their employees' health insurance programs and will allow the marketplace to compete for their employees. Unfortunately, the result will be the employees will be left with the short stick.

I think that is the actual goal of the other side. I think their real goal is to drive up the number of uninsured across this country. If one looks at the pattern of activity on the other side of the aisle, it has been to annually increase the number of uninsured by raising the price of insurance in this country.

Since this administration has been in office, the number of uninsured has gone up by 8 million people because the price of insurance has gone up and up as the other side has tried to drive up the price of that insurance.

What is the ultimate goal? "Hillary care." If they put enough people on the street, if they create enough uninsured, inevitably they will have to claim: I am sorry, everybody is uninsured so we have to nationalize the system.

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

Mr. GREGG. I think that is a good place to stop. I reserve the remainder of the time on our side.

Mr. DORGAN. Mr. President, I yield 2 minutes to Senator EDWARDS.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I will respond to the Senator from New Hampshire. He argues there is a new provision in the Republican plan that provides for liability. That provision is a sham. There are three points I want to make in response.

First is the argument that we are creating an open season on employers. It is simply false. Not true. A letter from the American Medical Association of June 23 states clearly:

The insurance industry—

And the Republican plan in this case—

is flat wrong, and to imply otherwise is frankly deceptive. The fact is, the bipartisan House-passed bill would actually protect employers.

Under our bill, an employer cannot be held responsible under specific language unless they actively intervene in the decision of the insurance carrier, which never occurs. There is to reason

for it to occur. It in fact never occurs. It is a false argument that employers can be held liable under our proposal. They cannot.

Second, the argument that they are providing for liability is simply not true. Under their plan, an insurance company can never be held responsible for their initial decision to deny coverage. So if somebody goes to their doctor with an emergency situation—they need care—and the insurance company says no, and, as a result, they suffer a lifelong injury, a debilitating injury, or death, the insurance company cannot be held accountable. They can only be held accountable, can only be held responsible, if they have exhausted the internal review process and the insurance company acted in bad faith or if they failed to follow the decision from the external review board.

The bottom line is, it creates an incentive for the insurance company to deny coverage in the first instance because under no circumstances can they be held responsible, and under no circumstances can they be held accountable. For those reasons, this provision for HMO insurance carrier liability is not real; it is a sham.

Our proposal provides real and meaningful accountability.

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

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield the Senator from Tennessee—how much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. NICKLES. I yield the Senator 1 minute.

Mr. FRIST. Mr. President, very quickly, a vote for the Nickles amendment is a vote for patient protection, emergency room access to obstetricians, pediatricians, specialists, and clinical trials.

A vote for the Nickles amendment is a vote for a strong internal appeals process. If the HMO rejects the appeal of the doctor, you can go internally. If it is rejected again, you go to an external appeal process. The decision made by the external appeals process is made by an independent physician not bound by how the plan may define "medical necessity." If the external appeal overrules the plan, and the plan does not comply, you go to court. This new ability to go to court, which is what many people believe is so important, is a new right to sue in Federal court.

Lastly, the access provisions have not been mentioned.

In closing, all of these mandates are going to drive up the cost of health care.

Access provisions in the bill include an above-the-line deduction for health insurance expenses, a 100-percent self-employed health insurance deduction, expansion of medical savings accounts, and deductions for long-term care.

I reserve the remainder of our time.

Mr. LEAHY. Mr. President, I am please to be a cosponsor of the amend-

ment offered by Senator DASCHLE to the FY 2001 Labor HHS Appropriations bill which will protect people from having their personal, genetic information used against them by their employers or their health insurance companies. The provision is identical to the legislation that Senator DASCHLE introduced earlier this year and which I have also cosponsored.

If adopted, the Daschle amendment will bar insurance companies from raising premiums or denying patients health care coverage based on genetic information. Employers will also be prohibited from using genetic information in hiring practices. Because a right without a remedy is not right at all, these measures also provide an individual who has suffered genetic discrimination with the right to take legal action. This is an essential protection to ensure that discrimination does not occur.

With the latest breakthrough earlier this week of the Human Genome Project in mapping human genetic make-up, protecting Americans from genetic discrimination—an issue that was already important—has become critical. We must support the advancement of science and discovery through research. But while we are embracing these new discoveries, we must also provide safeguards to ensure the protection of this new and potentially very sensitive and personal information. In order to help Americans embrace scientific discoveries we must ensure these discoveries will not cause personal harm.

This February, in recognition of the need to prevent abuse and misuse of genetic information, President Clinton signed an Executive Order that prevents federal agencies from discriminating against workers if they discover through genetic testing that they have a predisposition to a disease or some other conditions. President Clinton expressed his support for legislation to prevent genetic discrimination which will extend beyond the reach of the Executive Order. The Genetic Non-discrimination in Health Insurance and Employment Act and today's amendment will allow Vermonters—and all Americans—to undergo genetic testing without being afraid that their employer or their insurance company will use this information to discriminate against them.

No one wants to find out they may be predisposed to a certain disease and then have to worry about losing their job. These important measures would give them the assurance and protection that their personal information will be protected and will not be used against them.

Mr. DORGAN. Are we finished? Will I close at this point? I have 5 minutes.

Mr. NICKLES. I have 1 minute.

Mr. DORGAN. I would like to close debate on my amendment, if the Senator would like to proceed.

Mr. NICKLES. I would like to close on ours. You have 5 minutes.

Mr. DORGAN. Mr. President, we are debating my amendment, I guess. I have the right to close debate on my amendment; is that correct?

The PRESIDING OFFICER. There is no right to do such.

Mr. DORGAN. All right, Mr. President. Let me take the 5 minutes at this point and close debate.

Mr. President, this has been an interesting discussion, but it has not been about what is on the floor today. We have had now a debate about the 1993 Clinton health plan. We have also had a discussion about "Hillary care." If you have the interest in debating that, hire a hall, get your own audience, speak until you are exhausted, and have a good time. But those are not the subjects on the floor today. We are debating the Patients' Bill of Rights.

Some people do not want to debate that. They certainly do not want to talk about the facts, but this is what we are talking about: The Patients' Bill of Rights.

Dr. GREG GANSKE, a Republican Congressman from Iowa, was just on the floor of the Senate and he indicated that the 258-page missive that is now offered as a substitute will in fact weaken HMO laws in the following States: California, Texas, Georgia, Washington, Louisiana, Oklahoma, Arizona, and Missouri. That is not from me; it is from Dr. GANSKE, a Republican Congressman.

By the way, let me read something Dr. GANSKE said some time ago in a discussion about all of these issues. He said:

Let me give my colleagues one example out of many of a health plan's definition of medically necessary services. This is from the contractual language of one of the HMOs that some of you probably belong to: "Medical necessity means the shortest, least expensive or least intense level of treatment, care or service rendered or supply provided, as determined by us."

Contracts like this demonstrate that some health plans are manipulating the definition of medical necessity to deny appropriate patient care by arbitrarily linking it to saving money, not to the patients' medical needs.

Some of my colleagues say we are playing politics with this issue? Why don't you tell that to some of these kids.

Dr. GANSKE described this child I show you a picture of, a child born with a severe cleft lip. Fifty percent of the medical professionals in Dr. GANSKE's field report that they have been told that correcting this kind of condition is not a medical necessity.

So tell that to the kids. Tell it to this young child, that it is not a medical necessity to correct this condition.

Dr. GANSKE also shared with us what a young child looks like who was born with this deformity—but who has it corrected by the right kind of surgery. Let me show you another picture of this child with the condition corrected. Does anybody want to tell this child it was not worth it?

Or maybe you want to talk to Ethan Bedrick. Tell Ethan that this is just

politics. Ethan was born during a complicated delivery that resulted in severe cerebral palsy and impaired motor function in his limbs. When he was 14 months old, Ethan's insurance company abruptly curtailed his physical therapy, citing the fact that he had only a 50-percent chance of being able to walk by age 5.

So talk to Ethan about this. You think this is politics? Talk to Ethan. A 50-percent chance of being able to walk by age 5 was deemed, quote, "insignificant," and therefore you don't get the medical help you need. And some people say: Well, it doesn't matter. Apparently, you don't deserve it.

That is not the way health care ought to be delivered in this country. People ought to have basic rights. That is why we call this a Patients' Bill of Rights.

The question, at the end of the day, is: With whom do you stand?

Do you stand with the managed care companies that have developed contracts such as this, that say, "Medical necessity means the shortest, least expensive, or least intensive level of treatment, care, or service as determined by us," which means that this young child is told: Tough luck?

Or do you stand with the patients and decide that maybe we ought to do something, as a country, that responds to real problems and pass a real Patients' Bill of Rights?

A fellow once told me, in my little hometown: You never ought to buy something from somebody who is out of breath. There is a breathless quality to some of the discussion I have heard tonight. We raise the issue of a Patients' Bill of Rights, and instead we hear a discussion about the 1993 health care plan. Then we have a substitute that is 258 pages that kills a lot of trees for nothing. You don't need to take up 258 pages to offer an empty plan. Offer one page, and say: We don't support a Patients' Bill of Rights. Just be honest about it. But do not try to fool the American people any longer.

It is true we have had a few votes on this. It is also true that there is a conference committee that is supposed to be working. But it is also true, as Dr. Norwood and other Republican Congressmen said, that the time is up and the conference committee has not done a thing.

No one ever accuses the Congress of speeding. I understand that.

The PRESIDING OFFICER. All the time of the Senator has expired.

The Senator from Oklahoma has 1 minute.

Mr. NICKLES. I will give my colleague an additional minute.

Let me say, I know he holds up a lot of photographs. I think that is a crummy way to legislate. But I will say that every single example he mentioned would be covered by external appeal. Those decisions would be made by medical experts. We even put in language that they would not be bound by the plan's definition of "medical necessity." They would be covered.

Pass the bill. If you want those kinds of examples to be covered, pass the bill. We are going to give you a chance to vote on it tonight. I might mention, my colleague from Tennessee says: We have a bill that is a Patients' Bill of Rights-plus because we provide a lot of things for people who cannot afford it. We provide an above-the-line deduction to buy health care, so more people can buy health care. The Democrats' proposal is going to uninsure millions of Americans.

We should not do anything that is going to dramatically increase the price of health care and uninsure millions of Americans, as their proposal would do. We also don't think HCFA, that glorious Federal agency they are trying to empower, should be regulating all health care in the States.

I ask unanimous consent for an additional 30 seconds.

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

Mr. NICKLES. Mr. President, my colleagues have said we are one vote short. We are not one vote short. Unless somebody changes the rules of the Senate, the Norwood-Dingell bill is going to need a lot more votes. It will never pass this session of Congress.

I yield the floor and ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The yeas and nays have been ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, on behalf of the leader, I am announcing that there will be no further votes this evening after these two votes. I will shortly ask unanimous consent that the debate and votes in relation to the following remaining amendments be postponed to occur in a stacked sequence beginning at 9:15 a.m. on tomorrow, Friday, with 2 minutes prior to each vote for explanation. Also in the request is a consent that no second-degree amendments be in order to the amendments prior to the votes just outlined.

The amendments are as follows: Wellstone No. 3674, Helms amendment regarding school facilities, and we have just added the Harkin amendment regarding IDEA.

I will also ask unanimous consent that following those votes and the disposition of the managers' amendment, the bill be advanced to third reading

and passage occur, all without any intervening action and debate.

Finally, I ask unanimous consent the Senate insist on its amendments and request a conference with the House and the Chair appoint the entire subcommittee, including the chairman and the ranking member, as conferees.

I hope all of our colleagues will agree to this consent. If not, the Senate will be in session late into the day tomorrow concluding this bill and beginning the appropriations bill on Interior.

With that, I now propound the unanimous consent just outlined.

Mr. REID. Mr. President, if I could ask my friend to add one phrase, "any amendments that may not be cleared as part of the managers' package."

Mr. SPECTER. I make that addition.

Mr. GRAMM. Reserving the right to object, parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Texas will state his inquiry.

Mr. GRAMM. Mr. President, as I read this unanimous consent request, the phrase "without intervening business" suggests to me that possibly the point of order that has been set aside against the bill could not be raised. I would like to ask if that is the case.

The PRESIDING OFFICER. The Senator's interpretation is correct.

Mr. GRAMM. Mr. President, I ask unanimous consent that the request be revised to allow me to raise the point of order. I think that was always the intention, but I would like to be sure that is the case.

The PRESIDING OFFICER. Is there objection?

The unanimous consent request is as amended by the Senator from Texas.

Mr. REID. Mr. President, we just got a call in the Cloakroom. Somebody has a problem with this. We will try to take care of it as soon as we can. Should we go ahead with the vote?

Mr. SPECTER. Let us proceed with the vote, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania withdraws his unanimous consent request.

The question is on agreeing to amendment No. 3694. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

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

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—51

Abraham	Cochran	Gorton
Allard	Collins	Gramm
Ashcroft	Coverdell	Grams
Bennett	Craig	Grassley
Bond	Crapo	Gregg
Brownback	DeWine	Hagel
Bunning	Domenici	Hatch
Burns	Enzi	Helms
Campbell	Frist	Hutchinson

Hutchison	Murkowski	Smith (OR)
Inhofe	Nickles	Snowe
Jeffords	Roberts	Stevens
Kyl	Roth	Thomas
Lott	Santorum	Thompson
Lugar	Sessions	Thurmond
Mack	Shelby	Voinovich
McConnell	Smith (NH)	Warner

NAYS—47

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

NOT VOTING—2

Inouye	Leahy
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The amendment (No. 3694) was agreed to.

Mr. COVERDELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, today the Senate voted on yet another proposal for providing patient protections to Americans enrolled in HMOs. Unfortunately, this proposal did not provide the strong safeguards and protections that I believe each and every American deserves to have.

This amendment failed on the three key areas for meaningful patient protections—fair legal accountability for denied care, the right of every American to choose their doctor, and basic patient rights for every American not just a limited few.

Under this amendment only a limited number of Americans would be provided with basic patient protections including the right for a woman to go directly to an OB/GYN and a parent to take their child directly to receive care from a pediatrician. Every American should be protected from having their doctors being "gagged" by HMO and prevented from sharing all health care information with them.

Another disturbing provision contained in this proposal was the lack of legal redress available to an individual if they did not complete the internal review process. Under this proposal if a patient died during the internal review process—which could take up to 14 days—then their surviving family would have no legal recourse against the HMO that denied or caused harm to the deceased individual. This is simply wrong and indefensible.

While I was disappointed in this proposal there were a few provisions that were applaudable and made an important step towards providing stronger protections to patients. I appreciated the efforts that were made to make the external review process more fair, unbiased and accessible. In addition I applaud the attempts made to provide pa-

tients with the right to sue including a cap on non-economic damages and no punitive damages. Both of these are items that I have consistently fought for inclusion in a HMO reform bill. People must be provided the right to sue for damages once all means have been exhausted but it must be done in a manner that does not cause excessive lawsuits and cause health care costs to exorbitantly rise.

I am disappointed that this proposal did not go far enough but I am hopeful that a strong patient protection bill can still be passed prior to Congress adjourning in the fall. It is the least we can do for America's patients.

Congress still has an excellent opportunity to show the American people that it can and will rise above partisan politics and find the consensus that serves the national interest and puts the health care needs of patients first. This is too important an issue to allow the influence of special interests to prevent us from doing what is right for all Americans and I am confident that the leaders in both the House and Senate will continue working with the conferees to ensure that an agreement is reached.

AMENDMENT NO. 3693

The PRESIDING OFFICER (Mr. GRAMS). The question is on agreeing to the DORGAN amendment.

Mr. BREAUX. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—47

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

NAYS—51

Abraham	Coverdell	Gregg
Allard	Craig	Hagel
Ashcroft	Crapo	Hatch
Bennett	DeWine	Helms
Bond	Domenici	Hutchinson
Brownback	Enzi	Hutchison
Bunning	Frist	Inhofe
Burns	Gorton	Jeffords
Campbell	Gramm	Kyl
Cochran	Grams	Lott
Collins	Grassley	Lugar

Mack	Santorum	Stevens
McConnell	Sessions	Thomas
Murkowski	Shelby	Thompson
Nickles	Smith (NH)	Thurmond
Roberts	Smith (OR)	Voinovich
Roth	Snowe	Warner

NOT VOTING—2

Inouye	Leahy
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The amendment (No. 3693) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina wishes to be recognized to offer an amendment.

Mr. LOTT. Will the Senator from North Carolina yield so we can get an agreement on how to proceed for the remainder of the night?

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. HELMS. I yield.

Mr. LOTT. Mr. President I want to take a few moments to go over the schedule for the remainder of the night and the morning and get a final agreement on a unanimous consent request.

These were the last two votes of the night. We want to complete the offering and debating of the remaining amendments that have been requested tonight, and then we will have those votes stacked beginning at 9:30 a.m., which is a little different from the time earlier mentioned. We had discussed 9:15 a.m. and there was a request we do that at 9:30 a.m.

I renew the unanimous consent request regarding the Labor-HHS bill which now includes possible votes tomorrow, Friday morning, beginning at the amended time, 9:30 a.m., relative to the following issues: a Wellstone amendment regarding drug pricing; a Helms amendment regarding school facilities; a Harkin amendment regarding IDEA; a Baucus amendment regarding impact aid; any amendment that is not cleared within the managers' package; disposition of the point of order; and final passage of the Labor-HHS appropriations bill.

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

Mr. LOTT. I thank my colleagues on both sides of the aisle for their cooperation.

Mr. WARNER. Mr. President, may I address my leader?

Mr. LOTT. I yield to Senator WARNER.

Mr. WARNER. Two things, Mr. President. The distinguished ranking member of the Armed Services Committee and I have a package of about a dozen amendments which we can clear tonight. They are agreed upon. We need to call up the bill.

Second, we want to discuss with our leadership the possibility of a UC which might help move our bill along. Can we give the general outline?

Mr. LOTT. That will be fine.

Mr. WARNER. It will take but a minute. I ask my distinguished colleague to generally outline what we

had in mind. I ask him to articulate it if he can.

Mr. LEVIN. The idea would be, after this package of cleared amendments is adopted, we would offer a unanimous consent agreement to limit the bill to relevant amendments on the list, which would include Senator BYRD's amendment on bilateral trade because that probably is relevant under any circumstances.

Mr. WARNER. We think that is relevant, Mr. President.

Mr. LEVIN. The amendments will have to be on file no later than adjournment tomorrow for the recess. Second-degree amendments that are relevant would be in order even if they are not filed. This is just preliminary. Since the Senator from Virginia asked, I offer this at least as a suggestion preliminarily. This is what we are talking about.

Mr. WARNER. May I add, Senator DODD has an amendment in there which has been cleared.

Mr. LOTT. Mr. President, if I can respond to the comments, first, I want to make very clear I feel strongly we should try to find a way to pass this very important Department of Defense authorization bill. It has a lot of provisions in it, changes in the law we have to get done. We need to do this for our national security and for our men and women who serve in our military.

Senator DASCHLE and I have talked about the fact we want to work together to move it forward. That is one of the many reasons we tried to find a way to conclude the disclosure requirements of the section 527 issue. We have achieved that. That is why I have been working with Senator BROWNBACK to find a way to deal with an issue that is very important to him, NCAA gaming. We want to get it done.

What I had in mind was for the managers to continue to work and clear as many amendments as they can, and the week we come back—again, I have not discussed the details of this with Senator DASCHLE, so I will not agree to anything without us both having a chance to check on both sides and clear it. But I was thinking in terms of asking the managers, who have done yeoman's work, to be prepared to work on Monday night, Tuesday night, or Wednesday night while we do other issues during the day. I am hoping one night will do the job but work a couple or three nights and complete this bill the week we come back. We are glad to work with them toward that goal. We want to get this bill in conference. I think Senator DASCHLE wants to help with that effort.

Mr. DASCHLE. Mr. President, if I can add my thoughts, I share the view expressed just now by the majority leader. We really want to help the managers finish their work on this bill. They have been working on it now for weeks. We have come a long way.

The majority leader has also indicated to colleagues who have concerns about nonrelevant amendments that

we will have an opportunity to consider other vehicles immediately following the completion of the Defense authorization bill so we will be able to continue this procedure of a dual track to allow the consideration of other issues.

With that understanding, we want to work with the managers to rid ourselves of nonrelevant amendments, stick to those amendments which are relevant in an effort to, as the leader suggested, finish the bill in a matter of a night or two. I commend the managers for the effort they have made thus far. We will work with them to see we finish it.

Mr. WARNER. I thank our respected leaders very much. I told my leader and Senator LEVIN, we will work nights, we will go right straight through the evenings and stack such votes that we feel are necessary. We will achieve that.

Mr. LOTT. I yield to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I yield to the majority leader.

Mr. LOTT. I thank the Senator from North Carolina for yielding further. I ask his indulgence for a moment so the Senator from Kansas can respond.

Mr. BROWNBACK. Mr. President, I appreciate the majority leader mentioning trying to work out the issue on NCAA gaming. I hope we can get that worked out and come to a resolution and move the issue forward. I want to make sure we get that one taken care of as well.

Mr. LOTT. I thank my colleagues and yield the floor.

Mr. DASCHLE. Mr. President, if I can add one other thought.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. DASCHLE. Will the Senator yield for 30 seconds?

Mr. HELMS. I yield to the Senator.

Mr. DASCHLE. Mr. President, I would be remiss if I did not bring up also the understanding the leader and I have about further confirmation of judges. Obviously, when we come back, that is going to continue to be an important matter. The leader has certainly indicated a willingness to work with us on that.

It is also with that understanding that Senator LEVIN has some very important matters, Senator REID, and others. I appreciate very much the majority leader's commitment to work with us on that as well.

Mr. LOTT. Mr. President, if Senator HELMS will yield one second more, we are going to confirm some nominations tonight. I do note it is our intent after we complete Labor-HHS and the MILCON conference report to proceed to the Interior appropriations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 3697

(Purpose: To prohibit the expenditure of certain appropriated funds for the distribution or provision of, or the provision of a prescription for, postcoital emergency contraception)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 3697.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. _____. (a) None of the funds appropriated under this Act to carry out section 330 or title X of the Public Health Service Act (42 U.S.C. 254b, 300 et seq.), title V or XIX of the Social Security Act (42 U.S.C. 701 et seq., 1396 et seq.), or any other provision of law, shall be used for the distribution or provision of postcoital emergency contraception, or the provision of a prescription for postcoital emergency contraception, to an unemancipated minor, on the premises or in the facilities of any elementary school or secondary school.

(b) This section takes effect 1 day after the date of enactment of this Act.

(c) In this section:

(1) The terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) The term "unemancipated minor" means an unmarried individual who is 17 years of age or younger and is a dependent, as defined in section 152(a) of the Internal Revenue Code of 1986.

Mr. HELMS. Mr. President, I further ask unanimous consent that it be in order for me to deliver my remarks at my seat.

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

Mr. HELMS. I thank the Chair.

Mr. President, Americans who follow international news, will recall that the French Government recently created an uproar when it authorized its public schools to distribute the post-conception "morning-after-pill" to girl students as young as 12 years old.

I wish parents in our country could be assured that such an initiative will never see the light of day in the United States, but no such assurance can be made under existing circumstances.

In fact, when the French Government announced that it would be distributing the "morning-after pill" in French schools, the Alan Guttmacher Institute—the research arm of Planned Parenthood—recommended almost immediately that the United States duplicate the Western European's approach in handing out contraceptions to teenage girls.

So, isn't it clear that attempts to distribute the "morning-after pill" in U.S. public schools are indeed underway in planning boards of Planned Parenthood?

Moreover, Americans will be alarmed to learn that Federal law currently gives schools the authorization to distribute these "morning-after pills" to schoolchildren.

In fact, the Congressional Research Service confirmed to me that Federal law does, indeed, permit the distribution of the "morning-after pill" at school-based health clinics receiving Federal funds designated for family planning services.

Simply put, this means that any school receiving Federal family planning money is prohibited by Federal law to place any sort of restriction on contraception. Even parental consent requirements.

In a handful of cases, the Federal courts have struck down parental consent laws, ruling that any Federal family planning program trumps a State or county parental consent statute because Federal law prohibits parental consent requirements—even though Federal law says recipients of Federal family planning money should "encourage family participation." I make this point because so many who oppose placing restrictions on contraception—like parental consent requirements—run for cover under this language "encourage family participation" when they know good and well that it means absolutely nothing in a court of law.

Let me reiterate a warning: There is nothing in Federal law to prevent the post-conception "morning-after pill" from being distributed on school grounds by clinics receiving Federal funding—regardless of whether a parental consent State statute exists.

That is why I asked the Congressional Research Service to look into whether or not school clinics are distributing the "morning-after pill." What CRS found is that there is some discrepancy to the response to this question.

For example, according to CRS, the National Conference of State Legislatures spokesman said there was no knowledge that any school had distributed the "morning-after pill." Yet, the National Assembly on School-Based Health Care—an organization which works closely with HHS—told Congressional Research Service that their group has recently conducted a national survey of their members, and that the resulting data reflected that out of 1,200 schools, 15 percent offer contraceptives, including the "morning-after pill."

So, you see, it is not clear as to exactly what is being provided to schoolchildren these days. But it is clear that we are not just talking about condoms.

Simply put, Planned Parenthood and its cronies have been given free reign to distribute to American schoolchildren whatever they so please—to the point where schoolchildren are now being provided extremely controversial forms of contraception. And, in my judgment, this has gone on far too long.

That is why I am offering an amendment today that would forbid schools

from using Federal funds from the Labor, HHS, Education appropriations bill to distribute the lawfully given "morning-after pill" in school.

But before the guardian angels of Planned Parenthood get themselves in a tizzy, let me make clear precisely what this amendment will and will not do.

Under the proposed measure, elementary and secondary schools will be forbidden to use funds from the Labor, HHS and Education appropriations bill to distribute to school children the "morning-after pill"—which is widely considered to be an abortifacient. In fact, many pharmacists nationwide have refused to fill prescriptions for the "morning-after pill" because they, too, see it as an abortifacient.

This amendment will apply only to school clinics on school property.

Clearly, Congress simply must not ignore the fact that our schoolchildren deserve to be protected.

Mr. President, I ask unanimous consent that two memoranda prepared by the Congressional Research Service be printed in the CONGRESSIONAL RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, April 26, 2000.

To: Senator Jesse Helms
From: Kenneth R. Thomas, Legislative Attorney, American Law Division
Subject: Application of Parental Consent Requirements to Distribution of Emergency Contraceptives in School-Based Clinics Receiving Federal Funds

This revised memorandum is in response to your rush request to determine whether state parental notification statutes would apply to the distribution of emergency contraceptives at a school-based clinic which receives federal funds. Specifically, you requested an evaluation of whether state parental notification statutes, regulations or policies which applied to federally funded clinics distributing contraceptives would be preempted.

In a series of cases in the mid-1980's, various federal courts reviewed the application of parental notification requirements to federally funded programs which distributed contraception. In general, the courts found that the application of parental notification statutes to federally funded programs to provide contraception resulted in the frustration of the federal purpose of the statutes, and consequently the courts invalidated such restrictions.

There is currently no federal prohibition on the distribution of emergency contraceptives at school-based clinics.

If I can be of further assistance, please contact me at 7-5863.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, April 12, 2000.

To: Honorable Jesse Helms.
From: Technical Information Specialist, Domestic Social Policy Division.
Subject: School-Based Clinics.

Your office requested a memorandum describing policies of school-based clinics for distributing emergency contraceptives (more commonly known as the "morning-after pill"), including the number of schools estimated to be offering emergency contraception, and any existing federal prohibitions.

We contacted three different groups for this information:

(1) The National Assembly on School-Based Health Care informed us that their group has recently conducted a national survey of their members and that data reflected that out of 1200 schools, 77% do not offer contraceptives, 15% offer contraceptives, including emergency contraceptives, and the remaining 8% offer contraceptives, but not emergency contraceptives. The schools offering contraceptives are middle schools and high schools. The information is not yet available for publication.

(2) The National Conference of State Legislatures informed us that they currently have no knowledge of any schools distributing emergency contraceptives through school-based health clinics.

(3) The Healthy Schools/Healthy Communities (HSHC) Program, Health Resources and Services Administration, Department of Health and Human Services informed us that HSHC does not provide direct dollars for specialized services, such as emergency contraceptives, but does support school-based programs that provide full and comprehensive health services. HSHC is administered as a discretionary program under the Health Centers program, Section 330 of the Public Health Service Act. Section 330 allows the provision of voluntary family planning services at health centers.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from North Carolina, is he finished with his prepared remarks on his amendment?

Mr. HELMS. Yes, I am.

Has the Chair ruled on the yeas and nays?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. They have been ordered.

Mr. President, I am advised I should ask unanimous consent that this amendment of mine be laid aside and the vote be put in regular order tomorrow morning. I ask unanimous consent that that be the case.

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

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

AMENDMENT NO. 3698

(Purpose: To provide for a limitation on the use of funds for certain agreements involving the conveyance or licensing of a drug)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. JOHNSON, proposes an amendment numbered 3698.

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

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

The amendment is as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. ____ (a) LIMITATION ON USE OF FUNDS FOR CERTAIN AGREEMENTS.—Except as provided in subsection (b), none of the funds made available under this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or on another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials that are conducted by the Department of Health and Human Services with respect to a drug, including an agreement under which such information is provided by the Department to another Federal agency on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug, excluding cooperative research and development agreements between the Department of Health and Human Services and a college or university.

(b) EXCEPTIONS.—Subsection (a) shall not apply to an agreement where—

(1) the sale of the drug involved is subject to a price agreement that is reasonable (as defined by the Secretary of Health and Human Services); or

(2) a reasonable price agreement with respect to the sale of the drug involved is not required by the public interest (as defined by such Secretary).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to any agreement entered into by a college or university and any entity other than the Secretary of Health and Human Services or an entity within the Department of Health and Human Services.

Mr. WELLSTONE. Mr. President, I offer this amendment on behalf of myself and Senator JOHNSON from South Dakota.

I am just going to take 1 minute to summarize this amendment, I say to my colleagues, and then Senator JOHNSON will proceed, and then I will come back to the amendment.

Mr. President, if you just look right here at this chart, it is very interesting. Tamoxifen and Prozac are two widely used drugs. Look at the difference between what the United States citizens pay for a vial versus what people in Canada pay.

In our country, a United States citizen pays \$241 for tamoxifen; \$34 in Canada. For Prozac, in this country it is \$105; in Canada, it is \$43.

What this amendment says—and I want to go back to Bernadette Healy's leadership at NIH. What this amendment says is that what Ms. Healy did is the right thing to do, which is to say to the pharmaceutical companies, when the NIH does the research, and then the patent is handed over to a pharmaceutical company, that pharmaceutical company—since we put the taxpayer dollars into the research—should at least agree to provide citizens in this country with a decent, affordable charge; that the pharmaceutical company should agree to an affordable price or a reasonable price which is defined specifically by the Secretary of Health and Human Services.

Again, this amendment says that pharmaceutical companies that negotiate an agreement with NIH—NIH is doing the research, helping out, the drug is then developed, the pharmaceutical company now has the patent—must sign an agreement to sell the drug at a reasonable price.

I do not think it is unreasonable from the point of view of your constituents and my constituents, people in this country who pay the taxes and support our Government, who feel just a little bit ripped off by the prices today, that if we are going to put our taxpayer dollars into the research and into the support and then the pharmaceutical companies are going to get a patent, at the very minimum they ought to be willing to sell the drug to people in our country at a reasonable price defined by the Secretary of Health and Human Services.

This amendment is all about corporate welfare at its worst. It is about being there for consumers. It is about assuring people that their taxpayer dollars are contributing toward some research that will in turn contribute toward affordable drugs for themselves and their children.

I yield the floor to my colleague, Senator JOHNSON of South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I am pleased to join my colleague from Minnesota, extending strong support for his amendment.

Very simply, this amendment would require that when companies receive federally funded drug research or a federally owned drug, the benefits of that research or drug be made available to the public on reasonable terms through what is called a "reasonable pricing clause."

This issue first surfaced during the Bush administration, in fact, when the NIH insisted that cooperative research agreements contain a reasonable pricing clause that would protect consumers from exorbitant prices of products developed from federally funded research.

Two weeks ago, during floor debate in the other body on the Labor, Health and Human Services, and Education appropriations bill, a very similar amendment to this one was offered and overwhelmingly accepted by nearly three-quarters of the House of Representatives in a bipartisan vote.

The circumstances we face today are extraordinary. As an example, between 1955 and 1992, 92 percent of drugs approved by the FDA to treat cancer were researched and developed by the taxpayers through the NIH. Today many of the most widely used drugs in this country dealing with a variety of critical illnesses such as AIDS, breast cancer, and depression were developed through the use of taxpayer-funded NIH research. The Federal Government funds about 36 percent of all medical research.

The unfortunate scenario for American taxpayers is that oftentimes this

drug research, done at their expense, is frequently used then by the pharmaceutical industry with no assurance that American consumers will not be charged outrageously high prescription drug prices.

Take the drug Taxol, for instance. The NIH spent 15 years and \$32 million of our money, taxpayer money, to develop Taxol, which is a popular cancer drug used for breast, lung, and ovarian cancers. Following the development of Taxol, the drug manufacturer was awarded exclusive marketing rights on the drug, and Taxol is now priced at roughly 20 times what Taxol costs the manufacturer to produce. So a cancer patient on Taxol will pay \$10,000 a year while it only costs the drug company \$500.

As reported by Fortune 500 magazine earlier this year, the pharmaceutical companies once again represent the most profitable sector of the American economy. On top of that, we are seeing drug prices soaring at unimaginable rates year after year. In the United States, drug spending is growing at more than twice the rate of all other health care expenditures. Furthermore, Americans are paying far more for prescription drugs than do the people in any other Western industrialized Nation—many of these drugs manufactured in the United States and the research having been conducted through American taxpayer dollars.

As an example, tamoxifen, a widely prescribed drug for breast cancer, recently received federally funded research and numerous NIH-sponsored clinical trials. Yet today the pharmaceutical industry charges women in this Nation 10 times more than they charge women in Canada for a drug widely developed with U.S. taxpayer support.

The evidence has shown that the pharmaceutical companies are charging enormously high rates for drugs developed with the help of taxpayer money. Americans then are forced to pay twice for lifesaving drugs: first as taxpayers to develop the drug, and then as a consumer to bolster pharmaceutical profits. Once again, who is hurt most by this? As one would expect, these costs fall hardest on those most vulnerable and least able to bear the burden, such as cancer patients, AIDS patients, and the elderly.

We have to put an end to the giveaway of billions of taxpayer dollars to finance drug research that goes on without any assurance whatsoever that the American taxpayers will not see a reasonable return on their investment in terms of affordable prescription drug prices.

I appreciate that this amendment may not be the silver bullet that solves all of the problems of assuring the American public they are receiving the return on their investment that they deserve. But it does serve as an important message that this Congress is here to protect the millions of American consumers who have invested their

money in research to develop drugs that they now cannot afford to buy. Furthermore, it shows we are here to fight for affordable prescription drugs for every American in this Nation.

This is one part of an overall strategy that this Congress needs to enact to assure that we have equity, to assure that we have tax fairness, and to assure that we maximize the number of people in America who can afford their prescriptions.

I urge my colleagues to vote for passage of this critically important amendment tomorrow when the vote is taken on this amendment. I commend and applaud my colleague from Minnesota for his work in crafting this amendment and bringing it before the body.

Mr. WELLSTONE. Mr. President, I thank the Senator from South Dakota. Again, the amendment says that when the pharmaceutical companies negotiate an agreement with the NIH to develop and market a drug based on taxpayer-financed research, there must be an agreement signed by the pharmaceutical companies that they will sell the drug at a reasonable price.

This is an eminently reasonable amendment. This amendment does not cover extramural NIH research grants, such as grants to universities. It does not cover grants to universities. It does not establish a health care price control scheme.

This amendment will reinstate the Bush administration's reasonable pricing clause which was in effect from 1989 to 1995. This amendment directs the Secretary of Health and Human Services to determine what is a reasonable price. This amendment gives the Secretary flexibility to waive the pricing clause if it is in the public interest to do so.

As my colleague from South Dakota pointed out, a similar amendment, which was introduced by Congressmen SANDERS, ROHRBACHER, DEFAZIO, and others passed the House of Representatives by a 3-to-1 margin, 313 to 109. It is because people in the country feel ripped off by this industry. People in the country believe that the prices should be more reasonable. Certainly our constituents believe that if we are going to be funding some of the research and these companies are going to benefit from our taxpayer dollars, then there ought to be an agreement that these companies are going to be willing to charge us a reasonable price. That is not too much to ask.

This amendment is supported by Families U.S.A., the National Council of Senior Citizens, and the Committee to Preserve Social Security and Medicare.

I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FAMILIES USA,
Washington, DC.

We appreciate your leadership on this important issue.

Sincerely,

MARTHA A. MCSTEEN,
President.

Mr. WELLSTONE. I will quote from Ron Pollack, executive director of Families U.S.A.:

Currently, once NIH has successfully developed a new drug it signs over the commercial rights to pharmaceutical companies that charge American consumers as much as they want. Americans are forced to pay twice for lifesaving drugs, first as taxpayers to develop the drug and then as consumers to the drug companies for the product. These costs fall hardest on those least able to bear the burden such as senior citizens and the uninsured, although all consumers wind up paying more than they should have to.

I want to simply quote from a piece in the New York Times from April 23, which challenged the drug industry's contention that R&D cost justify the prices they charge the American consumer. That is what we keep hearing, that it is the R&D cost. That is why they have to charge so much. I quote from the New York Times piece of April 23:

The industry's reliance on taxpayer-subsidized research—characterized as a "subsidy" by the very same economists whose work the industry relies on—is commonplace, the examination also found. So commonplace, in fact, that one industry expert is now raising questions about the companies' arguments.

The expert, Dr. Nelson Levy, a former head of research and development at Abbott Laboratories, who now works as a consultant for industry and the Federal Government on drug development, bluntly challenged the industry's oft-repeated cost of developing the drug. "That it costs \$500 million to develop a drug," Dr. Levy said in a recent interview, "is a lot of bull."

Finally, the examination found that Federal officials have abandoned or ignored policies that could have led to lower prices for medicines developed with taxpayer dollars. That is partly because the Government has lost track of what drugs have been invented with its money, and partly, officials say, because the industry has resisted any Government effort to insist that they charge people—our constituents—a reasonable price. As Dr. Bernadine Healy, a former Director of the NIH, said in a recent interview, "We sold away Government research so cheap."

Again, it is not a new issue. During the Bush administration, the NIH, from 1989 to 1995, insisted there be some reasonable pricing clause. There was heavy pressure from the pharmaceutical industry. They abandoned this practice. We are saying that we ought to be going back to it.

There are multiple factors contributing to the prescription drug cost crisis in our country today. I realize that this reasonable pricing clause is not a panacea for these egregiously high drug costs for America's seniors—and, for that matter, for families in our country—but this amendment makes it clear the Congress will not allow taxpayers to spend all of the money for this kind of research and then not get any kind of break in return.

Senator PAUL WELLSTONE,
Washington, DC.

DEAR SENATOR WELLSTONE: We applaud your amendment that would require that a price agreement be part of agreements between NIH and companies who do research on new drugs.

Currently, once NIH has successfully developed a new drug it signs over the commercial rights to pharmaceutical companies that charge American consumers as much as they want. Americans are forced to pay twice for lifesaving drugs, first as taxpayers to develop the drug and then as consumers to the drug companies for the product. These costs fall hardest on those least able to bear the burden such as seniors and the uninsured, although all consumers wind up paying more than they should have to.

Your amendment would help correct this burdensome situation. Please let us know how we can help make this amendment in law.

Sincerely,

RONALD F. POLLACK,
Executive Director.

NATIONAL COUNCIL
OF SENIOR CITIZENS,
Silver Spring, Maryland, June 29, 2000.

Senator PAUL WELLSTONE,
Washington, DC.

DEAR SENATOR WELLSTONE: The National Council of Senior Citizens fully supports your amendment to the FY 2001 Labor HHS appropriations bill to require that the Federal government negotiate a reasonable and fairer price for all drugs developed with public funds. The Federal government has for too long sold its most precious research findings for a mess of pottage to the pharmaceutical cartels. The drug companies, in turn, sell these findings back to the American people at unconscionably high retail prices. Pharmaceutical retail price reform must start at the source—where public drug research and development investment has borne fruit.

Your bill defines the public interest as requiring hard bargaining by the N.I.H. in behalf of the public when selling patents to drug companies. We also note that your amendment only covers intramural N.I.H. research. We call on your colleagues to support this needed amendment.

Sincerely,

DAN SCHULDER,
Director, Legislation & Public Affairs.

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, June 29, 2000.

Hon. PAUL WELLSTONE,
U.S. Senate, Washington, DC.

DEAR SENATOR WELLSTONE: It has come to our attention that the Senate is likely to consider H.R. 4577, an amendment to the Labor, Health and Human Services, and Education appropriations bill. The amendment would require drug companies to sell drugs at a reasonable price if the drugs were developed based on intramural research done by the National Institute of Health. On behalf of the members and supporters of the National Committee to Preserve Social Security and Medicare, I strongly support your proposed amendment.

When pharmaceutical companies build on NIH research they are using taxpayer money. A Congressional Joint Economic Committee report revealed that seven out of the top 21 most important drugs introduced between 1965 and 1992 were developed with federally funded research. Taxpayers deserve some return on their investment in terms of lower prices. This amendment will help to ensure that.

For the most part, most of the drugs that are developed with taxpayer money are then given over to the pharmaceutical industry with no assurance whatsoever that Americans will not be charged outrageously high prices—in fact, no assurance that they won't be charged the highest prices in the world. Tamoxifen is a very important drug to women struggling with breast cancer. This is what a prescription costs that is getting filled. In Canada, it is \$34. In the United States, it is \$241. Prozac is \$43 in Canada, and in the U.S. it is \$105.

Here is the next chart. This amendment will ensure that we get some fair return on our investment and that we don't get the highest prices for medications in the world. Let me restate that. I don't think it ensures that, but it can only help. I have given some examples up here. Let me simply point out to colleagues that the cost of prescription drugs has skyrocketed. Our people in this country this past year paid 17 percent more.

Let me also point out that we are paying the highest costs for pharmaceutical drugs of any people anywhere in the world—exorbitant prices. I have this chart—The Fleecing of America—just to look at some of the profits of companies. Let me give some examples: entertainment companies, \$4.2 billion; airline companies, \$4.7 billion; oil companies are doing pretty well right now at \$13.6 billion; auto companies, \$15.4 billion; the drug companies, \$20 billion.

As the Fortune 500 magazine said, this past year has been a "Viagra" kind of year for these drug companies. But do you know what. It is the consumers who paid the price. We are charged the highest prices of any country in the world, and I think it is time to say to the pharmaceutical companies that enough is enough.

This industry has opposed every measure that has been introduced in this Congress to try to lower prices and to provide a decent prescription drug benefit to senior citizens. Frankly, I hate talking about it in terms of senior citizens because there are a lot of working families being hurt by this.

I think the amendment we have introduced tonight is a small step, but I think it is a step in the right direction. It is not unreasonable to say to these companies that if we are going to finance the research, if NIH is going to do the research, if you are going to get valuable data and information from NIH to use to develop your drugs, and you are going to get the patent, at the very least you have to agree to charge a reasonable price.

That is all this amendment says. This is what we did under Dr. Healy's leadership. The pharmaceutical companies hated it. They were able to knock it out sometime around 1995. But do you know what. A lot has changed, I say to Democrats and Republicans alike, since 1995. People in our States are absolutely furious about the prices they are being charged by the pharma-

ceutical industry. This industry has basically become a cartel. I wish there were a lot of free enterprise. I wish there were a lot of competition. But that is not so. They basically have administered prices; they basically have price gouged; and they have made an immense amount of profit—an exorbitant amount of profit—based upon the sickness and misery and illness of people. That, in and of itself, is an obscene proposition.

This amendment goes after the worst of corporate welfare. This amendment is eminently reasonable, and I hope that my colleagues will support it.

Again, I point out the support of Families U.S.A. I think I will read from the letter of the National Council of Senior Citizens:

The National Council of Senior Citizens fully supports your amendment to the FY2001 Labor HHS appropriations bill to require that the Federal government negotiate a reasonable and fairer price for all drugs developed with public funds.

Ask the people back home. Do any of our constituents think it is unreasonable for us to ask these companies that benefit from our taxpayer dollars and benefit from Government research to charge our citizens, our constituents, a reasonable price?

They go on to say:

The Federal Government has for too long sold its most precious research findings for a mess of pottage to the pharmaceutical cartels. The drug companies, in turn, sell the findings back to the American people at unconscionably high retail prices. Pharmaceutical retail price reform must start at the source—where public drug research and development investment has borne fruit.

Finally, from the National Committee to Preserve Social Security and Medicare:

On behalf of the members and supporters of the National Committee to Preserve Social Security and Medicare, I strongly support your proposed amendment.

When pharmaceutical companies build on NIH research they are using taxpayer money. A Congressional Joint Economic Committee report revealed that seven out of the top 21 most important drugs introduced between 1985 and 1992 were developed with federally funded research. Taxpayers deserve some return on their investment in terms of lower prices. This amendment would help to ensure that.

This amendment would help to ensure that, and I don't know why the Senate tomorrow morning cannot go on record saying that when we, a Government agency supported by taxpayer dollars, by our constituents, do the research, provide the data, provide the information to these companies, which in turn get a patent for the drug, those companies will sign an agreement that they will charge the citizens in this country a reasonable price.

They make all the arguments about how they need all of these exorbitant profits for their research. But there is not a shred of evidence to support that. Their profits are so exorbitant that it goes way beyond any cost of research. We all know that. That is what is behind the record profits they make.

They make these arguments that I cannot believe—that if NIH is going to force us to sign an agreement, since we benefit from your research and the taxpayer money, we will charge people a reasonable price, then we may not even be willing to do this research. That is blackmail, or white mail, or whatever you want to call it. It is outrageous. These companies dare to say to the NIH—or dare to say to the Government, or to our constituents—if the Government says to the pharmaceutical companies that get the research dollars, do the work and research and get the patent, that they should charge a reasonable price, we might not do the research at all, enough is enough.

My final point: I think this is a reform issue as well. I think Senators vote their own way. But, honest to God, I think, at least speaking as a Senator from Minnesota, I am just tired of the way in which—if Fanny Lou Hammer were on the floor she would say "sick and tired"—this industry pours the dollars in, makes these huge contributions, has all of these lobbyists, has all of this political power, and is so well represented to the point where they believe they run the Congress. They do not.

This amendment with very similar language passed the House of Representatives by a huge margin. Very similar language, the same proposition, and the same subject matter passed the House of Representatives by a huge margin.

I hope tomorrow on the floor of the Senate there will be a strong vote for this amendment that I bring to the floor with Senator JOHNSON of South Dakota.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, it is just simply wrong that Americans are forced to pay extraordinarily high prices for prescription drugs and then have to cross the border to Canada and Mexico to buy those drugs manufactured in the United States at far lower prices. It is simply wrong. But it is doubly wrong when the U.S. taxpayers have paid for part of the research that produced those very same prescription drugs.

Many of us have constituents who go to Canada just for this purpose; they are unable to afford prescription drugs here in the United States. Sometimes they go great distances to cross the border to Canada or to Mexico in order to buy prescription drugs at prices they can afford.

We did a survey of a number of prescription drugs. These are seven of the most popular prescription drugs. We took a look at those seven drugs and then did a survey of the cost of those prescription drugs in Michigan and in Ontario across the border. Premarin, \$23.24 in Michigan, \$10.04 in Ontario; Synthroid, \$13 compared to \$8; Prozac, \$82 compared to \$43; Prilosec, \$111 compared to \$48; Zithromax, \$48 compared

to \$28; Lipitor, \$63 compared to \$42; Norvasc, \$76 compared to \$41.

When particularly seniors—sometimes by the busload—gather together, drive to a border point, and cross the border to get a 30- or 60-day supply of prescriptions, and then come back into Michigan or other States with prescription drugs that they cannot afford to buy in their own hometown, something is fundamentally wrong with that system.

These are the percentages of those top seven drugs. The U.S. prices are above the Canadian prices based on that survey. That was a survey of prices in Detroit compared to Ontario across the border.

For the first one, Premarin, the U.S. price is 131 percent higher than the Canadian price; Synthroid is 63 percent higher than for Ontario purchasers; Prozac is 878 percent higher for Americans than for Canadians; Prilosec is 132 percent higher; for Zithromax, Americans are paying 674 percent more than Canadians; Lipitor is 51 percent more than for Canadians; and Norvasc is 783 percent more than for Canadians.

That is unconscionable. It is wrong. It is infuriating. It is costly. We have to do something to change the system that allows this to happen. But it is doubly wrong when U.S. taxpayers have paid for part of the research that produced those very same prescription drugs.

I don't know which of these particular prescription drugs were produced with U.S. taxpayer dollars or partly with U.S. taxpayer dollars. I don't have that data. But that is not the point of the amendment of the Senator from Minnesota. For the drugs produced with U.S. taxpayer dollars, there should be an agreement that the manufacturer will charge a fair price as determined by the Department of Health and Human Services.

That is a very reasonable approach, it seems to me. There are other approaches which have been suggested to address this issue. I think there are other approaches also worthy of consideration. But the approach before us today is an approach which I believe is eminently fair, which simply says if you want to use taxpayer dollars in your research, that you make sure your pricing system is fair to Americans who helped to fund that very research.

I hope we will adopt the amendment of the Senator from Minnesota. I think it is a fair approach. It is based on the contribution Americans have made to the creation of the very prescription drugs which too many Americans find they cannot afford.

We want pharmaceutical companies to be profitable. We want pharmaceutical companies to engage in robust research and development. But we do not and should not, as Americans, pay the share of research and development that consumers in other countries should be shouldering. We can't afford to subsidize other countries, and it is

particularly wrong where we have originally done some of the subsidy of the very research and development which produced the drug which is now sold for so much less in those other countries.

I commend the Senator from Minnesota. I support his amendment. I hope we will adopt it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Michigan for his remarks. I am very proud to have his support.

AMENDMENT NO. 3699

(Purpose: To fully fund IDEA)

Mr. HARKIN. Mr. President, I send my amendment to the desk on the Individuals With Disabilities Education Act.

The PRESIDING OFFICER. The pending amendment is laid aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, and Mr. WELLSTONE, proposes an amendment numbered 3699.

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

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

The amendment is as follows:

On page 60, line 16, strike "\$7,357,341,000" and insert "\$15,800,000,000".

On page 60, line 19, strike "\$4,624,000,000" and insert "\$13,071,659,000".

Mr. HARKIN. Mr. President, this is a very simple amendment. It is very straightforward. It does not include a lot of pages of text. All it does is fully fund the Individuals With Disabilities Education Act. By passing this amendment, we meet our goal of paying 40 percent of the average per pupil expenditure.

For years, many on both sides of the aisle have agreed that the Federal Government should increase our support for States' efforts to provide children with disabilities a free and appropriate public education. With this amendment we can do just that.

Congress enacted the Education for All Handicapped Children Act, which is now known as IDEA, for two reasons. To establish a consistent policy of what constitutes compliance with the equal protection clause of the 14th amendment with respect to the education of kids with disabilities, and to help States meet their constitutional obligations.

Mr. President, I ask unanimous consent to add Senator WELLSTONE as a cosponsor.

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

Mr. HARKIN. Mr. President, there has been a lot of misperception about IDEA. That misperception is amplified in statement after statement until it almost becomes a state of fact that IDEA is a Federal mandate on the States. I hear it all the time: a Federal mandate that is not fully funded.

IDEA is not a mandate of the Federal Government on the States. The fact that the Federal courts have said if a State provides a free and appropriate public education to its children—and States don't have to do that—but if a State provides a free and appropriate public education for all of its kids, it cannot discriminate on the basis of race, it cannot discriminate on the basis of sex, or national origin, and in two court cases the court said it cannot discriminate on the basis of disability.

Simply because a child has a disability doesn't relieve the State of its obligation under the equal protection clause to provide that child a free and appropriate public education.

In 1975, the Congress said because this would be such a burden on the States, we will pass national legislation to help the States meet their constitutional obligation to educate kids with disabilities. That is what IDEA is. The Federal Government said, OK, if you meet these certain requirements, you will be eligible for IDEA for this money. If we had no legislation at all, if there were no Individuals With Disabilities Education Act, the States would still have to fund the education of kids with disabilities—not because the Federal Government says so, but because the Constitution of the United States says so. As long as a State is providing a free public education to other kids, they have to provide it to kids with disabilities. It is not a Federal mandate. It is a constitutional mandate.

We have said in the Federal Government, when we passed IDEA, we will help. Furthermore, we said in the authorizing legislation, that it would be a goal of the Federal Government to provide for 40 percent of the cost of the average per pupil expenditure for all other kids. We have never reached that 40 percent. It was a goal then. It is still a goal. Senators on both sides of the aisle talked about meeting this goal. Now we have the opportunity to do so.

My amendment is a win-win situation for everyone. We are able to fully fund both the IDEA and our general education priorities so that all kids, with and without disabilities, get the education they deserve and they are guaranteed by the Constitution of the United States.

Over the past 5 years, I have worked hard with my colleagues on the Appropriations Committee to more than double the appropriation for Part B of IDEA. This year we have included an additional \$1.3 billion. Senator SPECTER and I, in a bipartisan fashion, worked very hard to get this increase. Because of the amendment offered by Senator JEFFORDS yesterday and the statements made on the floor, it became clear to me that there is a strong will on both sides of the aisle to fully fund IDEA to meet that 40-percent obligation.

Now we can step up to the plate and do it. This week the OMB informed us

that the non-Social Security surplus will reach up to \$1.9 trillion over the next 10 years. I believe we ought to use these good economic times to prepare for the future.

So, Mr. President, as I said, OMB has informed us we are going to have \$1.9 trillion over the next 10 years in non-Social Security surplus. That means we can use some of this for a lot of different things: Pay down the national debt, shore up Social Security, Medicare, and make appropriate investments in education. One of the most appropriate investments we can make is to fully fund the Individuals with Disabilities Education Act. But there are a lot of other ways we can help pay for this. For example, we could save dollars by cracking down on Medicare waste fraud and abuse. The HHS Inspector General said last year, Medicare made \$13.5 billion in inappropriate payments. Eliminating that waste alone would more than pay for the entire IDEA expenditure. Yet the House-passed Labor-HHS bill actually cuts the funding for detecting waste, fraud and abuse. I hope we can take care of that in conference. My point is we have a lot of waste, fraud, and abuse in Medicare we can cut out to help pay for this.

We have a lot of other things we can do also: Cutting out Radio Marti, and TV Marti; spending by Government agencies on travel, printing and supplies and other items could be frozen. This could save \$2.8 billion this year, about \$12 billion over 5 years. Pentagon spending could be tied to the rate of inflation. This would force the Pentagon to reduce duplication and other inefficiencies. This change would save taxpayers \$9.2 billion this year alone; \$69 billion over 5 years. Enhancing the Government's ability to collect student loan defaults would be \$1 billion over 5 years.

The reason I cite these examples is to show there is a lot of waste and a lot of spending we can tighten down on to help pay for IDEA. We have the surplus, however. All this money that we found out there—as we go through this year, you wait and see, transportation will take a little bit of that money; housing will take a little bit of that money; defense will take a big chunk of that; the Finance Committee will have tax provisions—they want to do away with all the estate taxes now. That will take away a big chunk. I hope we don't pass it but I assume something will come through.

There is a big surplus out there and bit by bit special interests are going to come and take some of it away. Now is our time to get in there and say we are going to take enough to fully fund the Individuals with Disabilities Education Act. We can do it. We have the money to do it. And, if I listened correctly to my friends on both sides of the aisle, we seem to have the will to do it.

I just point out a range of organizations fully support full funding. It is one of the National Governors' Asso-

ciation top priorities. The Education Task Force of the Consortium for Citizens With Disabilities advocates full funding. The National School Boards Association just sent me a letter last week requesting an increase in funding for IDEA.

In January of 1997 the majority leader, Senator LOTT, announced that fully funding IDEA was a major component of the Republican agenda. Later, Senator GORTON said that failure to fully fund IDEA is fundamentally wrong—CONGRESSIONAL RECORD, May 13, 1997.

In January of 1998 the majority leader and other Republican Senators held a major press conference to announce they were going to introduce a bill, S. 1590, that would, among other things, fully fund IDEA.

Senator COVERDELL said the resolution of the issues in that bill were:

As important a battle as the country has ever dealt with.

On his Web site, Senator GREGG from New Hampshire, who has always been a proponent of fully funding IDEA said that:

He will continue to lead the fight to have the Federal Government meet its commitment to fund 40 percent of the special education costs.

On his Web site, Senator SANTORUM of Pennsylvania supports full funding for IDEA.

Last night, Senator VOINOVICH of Ohio said it is about time we paid for 40 percent of IDEA. That was last night.

And last night Senator JEFFORDS, with whom I have worked many years on this issue, said:

This body has gone on record in vote after vote that we should fully fund IDEA.

Senator JEFFORDS also said:

If we can't fully fund IDEA now with budget surpluses and the economy we have, when will we do it? I do not believe that anyone can rationally argue that this is not the time to fulfill that promise.

The reason I opposed the JEFFORDS amendment last night, and I said so openly last night in debate, is because his amendment would have taken money out of class-size reduction and out of funding for school modernization and construction to fund IDEA. I said we should not be robbing Peter to pay Paul. We need to reduce class sizes. We need school construction money.

In fact, some of the biggest beneficiaries of school construction and modernization are kids with disabilities.

Now we have an opportunity to fully fund IDEA because we have these big surpluses, as I said, \$1.5 trillion on-budget surpluses over the next 10 years, not counting Social Security. To fully fund IDEA would amount to less than 6 percent of that over the next 10 years. And, like I said before, we wouldn't have to touch the surplus if we just implemented one of my proposals to close up special interest tax loopholes, eliminate wasteful government spending, including Pentagon waste, or deal with Medicare waste, fraud and abuse. If you want to give a

gift to the States this year, if you really want to help our local school districts, this is the amendment with which to do it, to fully fund IDEA once and for all.

I yield for any comments or suggestions my colleague from Minnesota might have.

Mr. WELLSTONE. Mr. President, I am going to be very brief. Staff is here, and it is late. It has been a long week. I can do this in a couple of minutes. I wanted to stay with Senator HARKIN because I think this amendment goes right to the heart of what we are about. It is a win-win-win-win amendment. I do not know how many times I said "win." It is a win for us because we should match our budgets and our votes with the words we speak. Just about everybody on the floor of the Senate said they are for the Federal Government meeting this commitment of 40 percent funding of IDEA. It is also a win for children with special needs. It is about children. We ought to do well for all of our children.

Maybe it is because I am getting a little older and have six grandchildren, but I think all children are beautiful and all children have potential and all children can make contributions. We should do everything we can to nurture and support them. That is what this program has been about.

The Senator from Iowa has been, if not the leader, one of the great few leaders from early time on for kids with special needs. It is also a win because I do think our States and school districts, if we can do better by way of our investments, I say to Senator HARKIN, will not only be able to live up to this commitment but will have more resources to invest in other priority areas. One of the things that has troubled me is, the Senator talked about the surplus. What is it over 10 years, \$1.9 trillion?

Mr. HARKIN. Mr. President, \$1.5 trillion, non-Social Security.

Mr. WELLSTONE. It is \$1.5 trillion non-Social Security over the next 10 years. Some of what has been discussed is a zero-sum gain, whether we are faced with the choice of do you support low-income kids with title I or do you support IDEA or do you support a lower class size or do you support trying to get more teachers into our schools, or do you support rebuilding crumbling schools. I believe we have a chance right now with the surplus, with these additional resources, to make these decisive investments. I cannot think of anything more important than making this investment in children and education.

My last point is, all of us—and I will even make this bipartisan, seeing Senator CHAFEE presiding, whom I think cares deeply about children and education, just like his dad did, and I mean that sincerely—we are all going to have to make some decisions about consistency.

It is like the old Yiddish proverb: You can't dance at two weddings at the

same time. We cannot do everything. Some people want to put yet more into tax cuts, including Democrats, more here and more there. Ultimately, we have to decide what is most important. We have this surplus and we have the opportunity. We have had all the debate and discussion, and now we have an opportunity, with this amendment—of which I am proud to be a cosponsor—to match our votes with our rhetoric. We should do that. I hope there is a strong vote for this from Democrats and Republicans. I am proud to be a cosponsor. I yield the floor.

Mr. HARKIN. Mr. President, I thank my colleague for his words of support, not only tonight but for all the time I have known him and all the years he has been in the Senate for making kids and education, especially special needs kids, one of his top priorities.

I could not help but think when I was listening to the Senator speak, this vote on this amendment—I do not mean to puff it up bigger than it is. We are going to be faced the remainder of this year with vote after vote on what to do with that surplus. We may disagree on whether it is the estate tax cut or marriage penalty—whatever it might be. There might be other things coming down the pike, and we will have our debates and disagreement, but it seems to me that before we get into all that, we ought to do something for our kids with disabilities and we ought to do something that is right and is supported broadly, in a bipartisan way, and supported by our States.

I can honestly say to my friend from Minnesota, if every Senator voted for this amendment, they would not get one letter, one phone call taking them to task for their vote in support of this amendment. I believe I can say that without any fear that I would ever be wrong; that no Senator, whoever votes for this amendment, would ever get one letter or one phone call from anyone saying they voted wrong. I believe that because it is so widely supported.

Then we can go on with our other debates on tax cuts and other issues with the surplus and how we will deal with it.

At this point in time, let us say we are going to take this little bit and invest it in the Individuals With Disabilities Education Act and, once and for all, meet that 40-percent goal, and we will not have to be talking about it anymore.

As I said, this is a very simple and very straightforward amendment, but I will admit, for the record, it is going to take 60 votes. I understand that. It will take 60 votes, but I believe if Senators will just think about what they have said about IDEA and fully funding it and think about that big surplus we have and all of the demands that will be made on that surplus in the future, they just might think: Yes, we ought to carve out a little bit right now and put it into IDEA. It would help our States and our schools and, most of all, help our families who have special

needs children who may not have all of the economic wherewithal to give their kids the best education.

As I understand it, this is the first vote up or down vote on fully funding IDEA ever. Let's make it our last.

I thank the Senator from Minnesota for his support. I yield the floor.

Mr. JEFFORDS. Mr. President, I rise to commend Chairman STEVENS, Chairman ROTH, and Chairman SPECTER for their commitment to working in conference to restore funding to the Social Services Block Grant (Title XX), the Temporary Assistance for Needy Families (TANF) program and for the State Children's Health Insurance Program (S-CHIP). These programs provide a vital safety net for our most vulnerable citizens.

The Social Services Block Grant program provides critical services for abused children, low-income seniors, and other families in need of assistance. For example, my own State of Vermont uses 80 percent of its Title XX funds to help abused and neglected children. Much of this money goes to assist the roughly 300 children in foster care in our State. This block grant was created under the Reagan Administration to provide States with a source of flexible funding to meet a variety of human service needs. It was the success of the Social Services Block Grant that paved the way for welfare reform.

When welfare reform was passed, Congress made several agreements with the states. One such agreement was that funds for the Social Services Block Grant would be reduced to \$2.38 billion with States permitted to transfer up to 10 percent of allocated TANF funds into the block grant to "make up the difference."

Since making that agreement in 1996, Congress and the Administration have repeatedly cut the funds appropriated for the Block Grant to its current year funding level of \$1.775 billion. I am grateful that there is a strong commitment to maintain this year's funding level in conference. However, the reduction of the amount of TANF funds that States can transfer also must be addressed. Vermont is one of several States which transfer the entire 10 percent that is allowable under TANF. Unfortunately, even with full use of the transferability, many states are no longer able to make up for the repeated reductions in Social Service Block Grant funds.

I believe that the amount of TANF funds that States are permitted to transfer should not be cut in half, as current law requires, but should be increased to help mitigate the loss of Title XX funds that States have experienced since the 1996 agreement. The commitment to restore Social Services Block Grant funds to the current level is a good first step, but we should keep in mind that it is just a first step.

In creating the TANF program, the Federal Government limited the amount of welfare funds that would be provided to States in exchange for giv-

ing States more flexibility in the use of those funds. The booming economy combined with successful State efforts to move more people from welfare to work have allowed States to reduce the costs of welfare. Congress urged States to save a portion of their TANF grants for the inevitable "rainy day" when additional funds would be needed. Many States did save part of their TANF allocation, and Congress has threatened to reduce the TANF allocations promised to the States, because the funds have not been fully expended. I thank Senators STEVENS, ROTH, and SPECTER for their commitment to uphold the promises we made in 1996 during conference negotiations on the Labor-HHS appropriations bill.

My home State of Vermont has an unparalleled track record in extending health insurance coverage to children and families, and the S-CHIP has played a key part in contributing to this success. While Vermont has achieved its enrollment goals for this program to date, it continues to reach out to enroll eligible children. Restoration of the S-CHIP funding is essential for Vermont and other States in order for them to continue enrolling children in this program. It is essential for Congress to keep its commitment to the S-CHIP program, otherwise States are not likely to continue their aggressive outreach and enrollment efforts and children may be left without health care.

I believe strongly that it is important for Congress to keep its agreements with the States—particularly regarding the Social Services Block Grant, TANF, and S-CHIP. The success of States in implementing these programs and the extent to which Congress and the administration maintain promised funding levels for these critical programs will help determine the future of State block grants.

How can we expect States and advocates to agree to flexible block grant initiatives, if Congress cannot fulfill its promise to maintain adequate funding?

Mr. ALLARD. Mr. President, I would like to make a statement concerning the Federally funded research that is conducted at the various Centers for Disease Control (CDC) around the country.

February of this year I met with the Director of the CDC, Jeffrey Koplan. CDC was highlighted in newspaper articles concerning the misuse of research funds targeted for hantavirus disease. Because of the presence of this disease in our state, as with other neighboring states, I am very concerned at the lack of accountability from the CDC.

I expressed my concern for the correct utilization of funding for the disease research programs that are mandated by Congress. I stressed the importance of CDC's accountability and obligation to carry out the letter of our laws. Mr. Koplan assured me that they have taken measures to complete a full audit of the misdirected funds

and that they will follow the intent of Congress in the future.

Being a member of Congress, I for one can fully understand that the process of appropriating funds for research is complicated at best. Although Congress designates specific funds for certain diseases, there are several levels of bureaucracy through which the dollars must pass before they are received by the appropriate agency. This still does not account for an agency's lack of dedication in meeting congressional direction that is law. Part of my responsibility as a U.S. Senator is the oversight of various agencies and their accountability to Congress to carry out the language of our laws.

Hantavirus outbreaks have rapidly affected the U.S., reaching as far as Vermont. Most recently, a 12-year-old girl who lives in Loveland—my hometown—was diagnosed with the disease. Doctor's believe she may have contracted the disease while visiting a ranch in Arizona last April. Once hantavirus is contracted it can be anywhere from one week to as little as one day before symptoms appear. Once symptoms are prevalent, it rapidly progresses to respiratory distress as the lungs fill with fluid.

Colorado has had 23 cases of hantavirus since 1998—with three cases already this year. It is time to act with no further delay by the CDC laboratory.

I hope that the CDC has worked out its problems and will carry out what Congress expects of an agency.

Mr. FEINGOLD. Mr. President, I rise today to describe why I opposed the amendment offered by the senior Senator from Arizona, Mr. MCCAIN, to this legislation on the issue of schools and libraries blocking children's access to certain materials on the Internet, and supported the alternative amendment on this topic offered by Senator SANTORUM.

The McCain amendment prohibits schools and libraries from receiving federal funds under the E-Rate program if they do not install software to block children's access to two specific kinds of information: materials that are obscene and materials that constitute child pornography. The Santorum amendment contains a similar prohibition on funding, but gives the local community the flexibility to decide what materials are inappropriate for children's viewing and to implement a comprehensive policy on minors' Internet use if they want to continue to receive the E-Rate. I feel that local communities, not the federal government, should decide what materials are suitable for children's viewing. Wisconsin communities may want to address or restrict whether children have access to adult chat rooms even though the chat may not be about child pornography or may not contain technically obscene topics of conversation. They also may want to restrict whether they post identifying information or photographs of students on

school sponsored web sites. I simply feel that these decisions are best made locally.

Second, I am concerned that the McCain amendment imposes an additional cost to obtain filtering software upon schools and libraries without adequate input from those institutions. The McCain amendment relies upon the technical fix of filtering and imposes filtering software on all computers in a facility. The Santorum amendment allows a school or library to determine which computers are available for student access and then install blocking software upon those computers. Software licensing costs are not inexpensive, and requiring that software be installed on every machine may be financially difficult for small communities.

Finally, though I am concerned about protecting children on the Internet, I am also concerned about the constitutionality of blocking material on the Internet for adult computer users. The Santorum amendment allows communities to develop common sense solutions to protect the rights of adults to access information over the Internet in a place like a public library. A Wisconsin community could decide, under the Santorum amendment, for example, that it wanted to have a locked room in its public library with computers in it that only adults could use to access the Internet and not install blocking software on those machines. There are ways to block children's access to computers that are structural, Mr. President, like a locked door, that would still protect the First Amendment right of adults. These options are not available under the McCain amendment.

I appreciate the Senate's interest in protecting children from inappropriate material on the Internet, but I feel that the McCain amendment does not go far enough to ensure that local governments, libraries, schools, and individuals rights are protected.

Mr. WELLSTONE. Mr. President, I thank Chairman SPECTER and ranking member, Senator HARKIN, for working with me to see that funding is increased for the Perkins Loan Cancellation Program. I filed an amendment that would have increased the level of the Perkins Loan Cancellation Program by \$30 million to \$90 million. I am very appreciative that the committee increased funds for this valuable program by \$30 million—especially given the terrible budget constraints on this bill. I am especially thankful that the Managers of this bill have agreed to raise the appropriation by another \$15 million. This will get the government half way to where it needs to be to reimburse Perkins Revolving Funds for what they have lost to the Loan Cancellation Program. It is an important step.

The reason I asked for more is simple. If we give the extra \$30 million, the federal government can pay back what it owes to the universities and colleges

for the loans that have been canceled. This amendment would simply fulfill its IOUs to the Perkins program. Mr. President, we have a \$1.9 trillion surplus, it is ironic and probably an oversight that we are still in debt to America's colleges and universities that provide loans to low income students, but it is a debt that I think we can and should repay. That is why I am thankful for the Managers' efforts, and that is why I will continue to push for the full \$90 million in the future.

Both the cancellation program and the Perkins Loan Program are seriously undermined if the government does not fulfill its debt obligations to the universities and colleges that choose to administer it.

The Perkins Loan Program (formerly called the National Defense Student Loan Program) provides long-term, low-interest (5% per year) loans to the poorest undergraduate and graduate students. 25 percent of the loans go to students with family incomes of \$18,000 or less, and 83% of the loans go to students with family incomes of \$30,000 or less. Since its inception, 11 million students received \$15 billion in loans through the Federal Perkins Loan Program. In the academic year 1997/98, 698,000 students received Perkins loans.

Perkins is exceptional because it is a public/private partnership that leverages taxpayers' dollars with private sector funding. The yearly Federal contribution to Perkins Loans revolving funds leverages more than \$1 billion in student loans. This is because Perkins Loans are made from revolving funds, so the largest source of funding for Perkins Loans is from the repayment of prior-year loans.

The Perkins Loan Cancellation Program entitles any student who has received a Perkins loan who enters teaching, nursing and other medical services, law enforcement or volunteering to cancel their loans. This past year, more than 45,000 low income students who chose to enter these important professions were able to have their loans canceled. Last year, 26,000 teachers, 10,500 nurses and medical technicians, 4,000 people who work with high-risk children and families, 4,000 law enforcement and 700 volunteers had their loans canceled under this program.

This year, thanks to the efforts of Senator DURBIN and others, it looks like we may be able to expand the professions eligible for cancellation to include public defenders.

The value of Perkins loans is enormous. Since 1980 to 1998, the cost of higher education has almost tripled, leading to a decline in the purchasing power of federal grant programs. The maximum Pell grant this year is worth only 86% of what it was worth in 1980, making the Perkins program, and all loan programs, a more important part of low income students' financial aid packages.

The value of the cancellation program is also enormous. It provides the lowest income people who want to

enter public service a small break from the crushing debts they incur attending higher education. Offering loan cancellation also highlights the need for well-trained people to enter public service and honors those who choose to enter public service. This is the kind of incentive and reward we should be doing more of and I thank the Senate for accepting my amendment earlier that would provide Stafford loan forgiveness for child care workers.

Mr. President, I am here today because the future of both of these programs is in great jeopardy because we are unable to repay the universities' revolving funds what they are owed for the cancellation program. There are colleges that receive only 47% of what they are owed by the government. They are given the rest on an IOU.

Because Perkins loans are funded through revolving loans, the people who end up paying the price for this IOU are low income students who are eligible for Perkins loans in the future. As loans are canceled, and the government is unable to reimburse the revolving funds, there is less and less money available in the funds to generate new loans. It is estimated that 40,000 fewer students will be eligible for Perkins loans because of the declining money available in the revolving fund.

When you combine the pressure from the unfulfilled government obligations with recent cuts to the Perkins program in general, I believe that both these key programs are at risk. Congress has cut the yearly Federal contributions to the Perkins Loans revolving funds by \$58 million since fiscal year 1997. Since 1980, the Federal Government's contributions have declined by almost 80%. 900 colleges and universities around the country have cut their Perkins programs at least in part because they were not economically viable. In MN, colleges such as Metro State University have ended this valuable program in large part because they cannot afford to keep it going.

This means one thing and one thing only. There are less and less loans available for the lowest income students. The \$15 million the manager's package will provide will go far to reverse this situation.

Reducing the number of loans available is not the direction we want to be going given what we know about the rising importance of college education and the increasing need for financial aid.

A study from Minnesota indicates that for every \$1 that is invested in higher education, \$5.75 is returned to Minnesota's economy. A 1999 Department of Education study indicates that the real rate of return on investment in higher education is 12% based on earnings alone. This does not include savings on health care and other factors. Further, a recent poll found that 91% of the American Public agree that financial aid is an investment in America's future (Student Aid Alliance, 1999).

The numbers indicate that this is true. In 1998, men who had earned a bachelors degree earned 150% more than men who had received only a high school diploma. Women earned twice as much. (NCES, "Condition of Education, 2000," 2000). College graduates earn on average \$600,000 more in their lifetime than people with only a high school diploma. (US Department of Commerce, Bureau of the Census, 1994).

Despite the obvious benefits of investments in higher education, funding is declining. Since 1980 to 1998, the cost of higher education has almost tripled, leading to a decline in the purchasing power of federal grant programs. The maximum Pell grant this year is worth only 86% of what it was worth in 1980, making the Perkins program a more important part of low income students' financial aid package. Yet, the numbers of institutes of higher education offering the Perkins Loan Program has declined by 80% over the past 20 years. During the last decade, student aid funding has lagged behind inflation, yet in the next ten years, more than 14 million undergraduate students will be enrolled in the nation's colleges and universities, an increase of 11 percent. One-fifth of these students are from families below the poverty line. Many of them are the first in their families to go to college.

The effect of the decline in funding has a disproportionate impact on low income students—the very students that Perkins is designed to help. Studies show that an increase in tuition of \$100 lowers the enrollment of low income students by 1%. (McPherson and Shapiro, 1998). In Minnesota, students from families that make \$50,000 per year or more are three times as likely to attend a four year college as students from families who make \$30,000 per year or less (and I remind my colleagues that 83% of Perkins loans would go directly to these students with incomes less than \$30,000.) Further, more than 1/3 of students who enter college drop out. Often this is because they cannot afford to continue.

The Perkins Loan Program is vital to helping these low income students enter and stay in college. It would be a shame if the program failed because the government failed to pay universities back the money it owes this valuable program. By increasing the appropriation for the cancellation program, the managers have taken a strong step toward getting the government out of debt. I am also committed to seeing that this program is fully funded in the future. We have on-budget surpluses of \$1.9 trillion. We should use this appropriation to ensure that we are not in debt to the 40,000 fewer students who will not receive the Perkins loans they once could have because the federal government did not meet its obligation to pay for its own cancellation program.

These are America's poorest students who are simply trying to afford a college education. With a \$1.9 trillion surplus, we owe it to them to pay it back.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business and return to the pending business when I complete these remarks.

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

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I ask unanimous consent to speak in morning business for 10 minutes.

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

APPROPRIATIONS

Mr. KENNEDY. Mr. President, before the Senate are the appropriations bills which provide the funding for education, health, and training programs. As I have mentioned over the past few days, I respect the work by Senator SPECTER and Senator HARKIN in trying to shape that proposal. We have some differences, even within the limited budget figures that were allocated, in areas we feel were shortchanged. We tried to bring some of those matters to the floor yesterday.

On the issues of making sure we will reach out in the areas of recruiting teachers, providing professional development for teachers, and mentoring for teachers, we received a majority of the Members of the Senate. I believe it was 51 votes. A majority of the Members felt that should be a higher priority than designated. Even in the majority party, there is a clear indication, particularly against the backdrop of the announcements made in the past 2 days with these enormous surpluses, that one of the priorities of the American people is investing the surpluses in the children of this country.

I think that is something that needs to be done. We are going to proceed during the course of this day on amendments which I think are very important. The next one, which will be offered by Senator DASCHLE to deal with issues of genetic discrimination and employment discrimination, is very important. We will go on, as has been agreed to by the leaders.

But as we are going through this debate, I cannot remain silent on the allocating of resources. We are hopeful, as a result of the action of the President of the United States, there will be a different form and shape of this appropriations bill by the time it comes back from the conference, or by the time it is actually enacted in the fall. We are not giving the priorities in the areas of education, and I must say even in the health area, that I think the American people want and deserve. The principal reason for that is there is an assumption within the Republican leadership that there will be a tax break of some \$792 billion. So if you are going to write that into the budget, or parts of that into the budget, you are

going to squeeze other programs. That is really what has happened.

I daresay that at a time when we are gaining increased awareness and understanding about what actually helps children expand their academic achievement and their accomplishments, as a result of some dramatic reports, which I find compelling—and actually self-evident—we find we are really not taking the benefits of those reports and using them in ways that can benefit the greatest number of children in this country.

I think again of the excellent presentations of the Senator from Washington, Mrs. MURRAY, when she spoke time and time again about the importance of smaller class sizes. She referred again and again to the excellent studies done in Tennessee with thousands of children, going back to 1985, that resulted in smaller class sizes, and we find that children have made very significant progress.

I remember Senator MURRAY mentioning the SAGE Program in Wisconsin, which has been enacted in recent years. I myself met these past weeks with members of the school board, parents and teachers out in Warsaw, WI, who participated in that program and commented about the importance of investing in children with smaller class sizes. So we know this is something that works. If we are going to have scarce resources, we ought to give focus and attention to something that works, as Senator MURRAY has pointed out. I think she brings credibility to this issue because she is a former school board member and a former first grade teacher herself. She has been in the classroom and knows what works. We have been very fortunate to have her presentation on this issue and her enthusiasm for it.

We also know, looking over the recent history, that we have actually had bipartisan support for smaller class sizes. We saw yesterday her amendment was not successful, but it was very closely fought in a divided Senate, and I am hopeful, with the strong support of the Senate, we can finally persuade Congress, as we have in the past, to move ahead in that direction.

We have to understand this legislation is going to go to the House of Representatives, which has seen a very sizable reduction in its commitment to the funding of these various programs. Whatever we do here is going to be knocked back significantly. That is why many of us were very hopeful we could go ahead and add some additional resources so at least coming out of the conference we would have something worthy of the children of this country. But we have been unable to do that. We have to look back over the years and see what has happened, ultimately, in allocating funding resources in the area of education when we have had Republican leadership. We hear a great deal about the importance of investing in children, but the tragic fact is that it is not reflected in the requests by

the Republicans either in the House or the Senate in recent years.

I remember very clearly the 1995 rescission because I remember the debate in 1994, when we had a rather significant enhancement in our investment in children. The ink was hardly dry, the results were in, and the results of 1994 and 1995 were that we had a very vigorous debate on rescinding money that had already been appropriated and signed by the President. After the extraordinary efforts made by the Republican leadership to actually rescind those funds, we had those rescissions in 1995.

Then the House bill in 1996 was \$3.9 billion below what was actually enacted in 1995. Then in 1997, the Senate bill was \$3.1 billion below the President's request; the House and Senate bill in 1998 was also below the President's request. This was a time when the Republicans were trying to abolish the Department of Education.

I think most parents feel it is important to have a Cabinet Member sitting in the Cabinet room so that every time the President of the United States meets with the Cabinet to make decisions on priorities, there will be someone in there to say, "What are we going to do on education, and particularly education that is going to affect the elementary and secondary schoolchildren of this country, particularly at a time when we have exploding numbers of children who are going into our classrooms?"

Nonetheless, what we continue to see, in 1999, is the House was \$2 billion below the President's request; in 2000, \$2.8 billion below the President's request; and in 2001, \$2.9 billion below the President's request. This is what has happened.

Members ask: "Why do the Democrats try to force these issues? Why don't we just go ahead and accept what these appropriations committees have done?" They try to defend their positions with all these facts about what is really happening out there in education, but when you add them all up, this is what you are finding: The Federal share of education funding has declined. If you look at higher education, from 1980 to 1999, the federal share declined from 15.4 percent to 10.7 percent.

If you look at elementary-secondary education, from 1980 to 1999, we see a decline from 11.9 percent to 7.7 percent. Only 7.7 percent of every dollar spent locally is Federal money, and this is perhaps the lowest figure we have had in elementary-secondary education. In terms of the amount of our budget, which is \$1.8 trillion, this is less than one percent. It is less than one penny per dollar. If you combine the elementary and higher education, you may be getting close to two pennies. That, I think, is what concerns many of us, particularly at a time when we are finding out the total number of children is increasing.

We recognize there should be a partnership among the Federal, State, and

local governments in enhancing academic achievement. We have learned important lessons: Smaller class sizes work and better trained teachers work. Take the two States that have invested in teachers: North Carolina and Connecticut. They are seeing dramatic results in academic achievement.

We have been fighting to provide the resources to do that. That is what the debate is about. We have, I think, demonstrated to this body and, hopefully, the American people the seriousness of our purpose in allocating resources to what the American families want, and they want to invest in children and education. We believe that is quite preferable to the large tax breaks which have been included in the overall budget. We will continue this battle.

I yield the floor.

THE RURAL RECOVERY ACT OF 2000

Mr. DASCHLE. Mr. President, yesterday I introduced the Rural Recovery Act of 2000 to help address the economic malaise that has gripped certain rural areas of our country. The legislation will authorize the Department of Agriculture to provide grants to rural communities suffering from out-migration and low per-capita income.

Rural areas of our nation continue to experience an erosion in their economic well-being. Statistics bear out the decline in rural economic activity, but they fail to fully capture the human suffering that lies just beyond the numbers. Economic downturns lead to the migration away from farm-dependent, rural communities, further stifling economic opportunities for those left behind. The 1990 Census highlighted these migratory trends, and I anticipate that similar trends will be captured by the 2000 Census, as well.

In short, the prosperity from which many Americans have benefited from during the past decade has left many rural areas standing by the wayside. If this trend continues, more and more young people will be forced to leave the towns they grew up in for opportunities in urban areas. In towns like Webster, Eureka, and Martin, South Dakota, we are seeing farm families broken up, populations decline, and main street businesses close their doors. While there is no doubt that economic growth in our urban areas has benefited our nation, the disparity of economic development between our rural and urban areas cannot be ignored. If nothing is done to address the economic challenges facing these areas, we will jeopardize the future of rural America.

That is why I have introduced legislation to provide the nation's rural areas with the resources necessary to make critical investments in their future and, by doing so, to create economic opportunities that will help them sustain a valuable and important way of life. It also will help rural areas provide basic services at times when they are losing a significant part of

their tax base. While federal agencies, such as the United States Department of Agriculture's Office of Rural Development and the Economic Development Administration, provide assistance for rural development purposes, there are no federal programs that provide a steady source of funding for rural areas most affected by severe out-migration and low per-capita income. For these areas, the process of economic development is often most arduous. This legislation will provide the basic, long-term assistance necessary to aid the coordination efforts of local community leaders as they begin economic recovery efforts and struggle to provide basic public services.

County and tribal governments will be able to use this federal funding to improve their industrial parks, purchase land for development, build affordable housing and create economic recovery strategies according to their needs. All of these important steps will help rural communities address their economic problems and plan for long-term growth and development.

Mr. President, I believe this legislation holds great potential for revitalizing many of our nation's most neglected and vulnerable areas. I urge my colleagues to support its enactment.

COMMEMORATING SENATOR DANIEL INOUE: RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR

Mr. DOMENICI. Mr. President, I rise today to join my fellow Senators in honoring Senator DANIEL INOUE with the Congressional Medal of Honor. This man is a representative of our nation who has persevered through war, debate, and many had fought campaigns. I have had the pleasure of working with Senator INOUE and applaud my colleagues for bestowing this great honor upon him.

Senator DANIEL INOUE is a Veteran of World War II and was a captain in the Army with a Distinguished Service Cross (the second highest award for military valor), a Bronze Star, a Purple Heart with cluster, and several other medals and citations. Serving in the Senate almost 40 years, Senator INOUE is also the first Congressman from the state of Hawaii. His courage in combat is a testament to the Senator's true commitment to his country and to freedom. Serving on the Defense Appropriations Committee, I know how much Senator INOUE cares about the protection of our country and his professionalism and dedication to finding a balance for defensive spending. His diligence and dedication speak for themselves and I am proud to serve our Armed Forces with a man of this caliber near the helm.

I have also had the pleasure of working with Senator INOUE on the Indian Affairs Committee for over 20 years and know first hand that his bravery did not cease on the battlefield, but

still continues today. When he was chairman of the Senate Committee on Indian Affairs, Senator INOUE was highly regarded among tribal leaders for his efforts to re-establish their sovereignty over their own people and their own affairs. Tribal leaders consider Senator INOUE to be a true leader and friend to the Indian people to this day. I thank Senator INOUE for his leadership and dedication to service to our country, and I thank him for his friendship and example.

Mr. President, inscribed on the medal is the word "Valor." Senator INOUE is one of the most valiant men I know. I praise the Members of Congress for honoring him and hope that our young people may see that it takes courage, bravery, and valor to enjoy the freedom which so many men like Senator INOUE fought to protect. Thank you, once again, to Senator INOUE for your example, and thank you to all of the veterans who have served to protect liberty and justice.

VICTIMS OF GUN VIOLENCE

Mr. MOYNIHAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 29, 1999: Rokisha Denard, 18, Trenton, NJ; Herman Eastorly, 79, St. Louis, MO; Scott M. Echoles, 27, Chicago, IL; William Hunter, 33, Nashville, TN; Elton James, 28, New Orleans, LA; Craig Jones, 28, New Orleans, LA; Bernard Lathan, San Francisco, CA; Jackie Lee Nabor, 39, Detroit, MI; Billy J. Phillips, 43, Chicago, IL; Richard Rogers, 16, Fort Wayne, IN; Sidney Wilson, 14, Fort Wayne, IN; Tonya Tyler, 24, Nashville, TN; Unidentified male, 16, Chicago, IL.

POSITION ON VOTES

Mr. JOHNSON. Mr. President, I was absent from the Senate last Thursday afternoon to attend the high school graduation of my daughter, Kelsey. I missed two different votes, and I would like to state for the RECORD, how I would have voted in each instance.

I would have voted "yes" on rollcall vote number 141, the third reading of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for the fiscal year 2001.

I would have voted "yes" on rollcall vote number 142, the motion to instruct the Sergeant at Arms during the consideration of HR 4577, the Labor-

HHS-Education Appropriations Act for fiscal year 2001.

I also was unavoidably detained due to a family commitment on the evening of June 27, and I missed one vote during that time. I would have voted "yes" on rollcall vote number 149, Senate amendment number 3610, a McCain amendment as amended to HR 4577, the Labor-HHS-Education Appropriations Act for fiscal year 2001.

SEPARATING THE FACTS FROM THE PARTISAN RHETORIC

Mr. LEAHY. Mr. President, this statement is part of my continuing effort to bring clarity to the facts underlying the oversight investigations on campaign finance being pursued by Senator SPECTER within the Subcommittee on Administrative Oversight and the Courts. Staying focused on the facts becomes even more important as the volume of the political rhetoric continues to increase.

Although oversight is an important function, there are obvious dangers of conducting oversight of pending matters. Applying, or seeming to apply, political pressure to pending matters has real consequences, which we are now seeing first-hand. Recently, the Judiciary Committee received requests for information from the defense attorney for Wen Ho Lee, a criminal defendant facing charges of improperly downloading classified information from computers at Los Alamos Nuclear Laboratory. Mr. Lee's defense attorney wants the Republican report on this matter, as well as other documents gathered during oversight, presumably to aid his defense or at least to get potential impeachment materials for prospective government witnesses.

Just today we learned that the Committee has now also been dragged into the pending case of Maria Hsia, a criminal defendant who was recently convicted of campaign finance violations and is awaiting sentencing. Ms. Hsia's attorney apparently found the questioning of the Justice Department prosecutor in charge of her case at last week's hearing so offensive that it is now the basis for a claim that Ms. Hsia's sentencing should be delayed because to set a sentencing date now would only serve political purposes.

Indeed, at a hearing of the Specter investigation on June 21, 2000, a Republican member of the Judiciary Committee queried Robert Conrad, the current head of the Justice Department Campaign Financing Task Force about the Hsia sentencing, despite Conrad's statements that he could not properly discuss pending matters. The Republican member stated that he expected Conrad to pursue Hsia's sentencing vigorously, and asked whether the government had filed a sentencing memorandum. After Conrad explained that the sentencing submissions had not yet been made, the Republican member stated: "I would expect that you would pursue vigorously the sentencing phase

of that case and that you personally would oversee it . . . I have seen some cases previously involving these very matters in which I believe the Department of Justice was not sufficiently aggressive toward sentencing." He then expounded his view that the "only way" a person convicted at trial could get a downward departure at sentencing is to cooperate fully and stated "I would expect that you would treat this like any other case, that unless the defendant was prepared to testify fully and completely and provide information that you can verify, that you would not accept a recommendation of any downward departure." These comments clearly conveyed the Republican member's view that Maria Hsia should be treated harshly at sentencing.

The Specter investigation has broken long-standing precedent and routinely demanded documents and testimony involving ongoing criminal matters. I have warned repeatedly that such interference risks that prosecutions may be compromised, more work will be generated for prosecutors, and political agendas will appear to take precedence over effective and fair law enforcement. Nevertheless, at Senator SPECTER's request, the majority on the Judiciary Committee has approved subpoenas in a number of ongoing criminal cases, including Wen Ho Lee, Peter Lee, who remains on probation and under court supervision, multiple campaign finance cases and investigations, and the Loral/Hughes matter.

With respect to the Loral/Hughes matter, the Judiciary Committee approved issuance of a subpoena on May 11, 2000, to the Justice Department for "any and all" Loral and Hughes documents, over the objection of Wilma Lewis, the United States Attorney in D.C., which is conducting the investigation. Ms. Lewis explained that the United States Attorney's Office has "an open active investigation" into allegations of the unlicensed export of defense services and that thousands of documents in the possession of her office could be responsive to the pending requests from this Committee. Ms. Lewis explained that her office is at an "important point" in the investigation and will be making "critical prosecutorial decisions and recommendations" in the near future. She noted that if this Committee were to subpoena responsive documents from her office, not only would we adversely affect the investigation from a litigation standpoint, we also would be diverting the attention of the key prosecutors in that case. Instead of working diligently to conclude their investigation, these prosecutors would now be required to sift through thousands of documents and to redact those documents to protect grand jury material. The majority on the Senate Judiciary Committee refused to honor the U.S. Attorney's request and approved the subpoena.

The subject of the Vice President's attendance at coffees was the focus of inquiry at the Judiciary Committee's

recent hearing with the Attorney General this week. In summary, the Vice President indicated in response to general questions during an interview with Justice Department prosecutors on April 18, 2000, that he had no concrete recollection of attending the coffees though may have attended one briefly. He fully acknowledged the fact that coffees took place and explained his understanding of their purpose.

Two days after the interview, on April 20th, the Vice President's attorney, James Neal, sent a letter to Conrad clarifying the Vice President's recollection since he had not been advised before the interview that this subject matter would come up. Neal explained that the Vice President "understood your questions about Coffees to concern the Coffees hosted by the President in the White House." Based upon a record review, the Vice President "was designated to attend four White House Coffees. The Vice President hosted approximately twenty-one Coffees in the Old Executive Office Building. He did not understand your questions to include the OEOB Coffees." Indeed, Conrad refers repeatedly in his questions on this subject to "White House coffees" or "White House hosted . . . coffees".

There is absolutely nothing unusual about witnesses in depositions or even in testimony at Congressional hearings supplementing or clarifying the record after the completion of their testimony. In fact, this common practice is embodied in Rule 30 of the Federal Rules of Civil Procedure, which grants deponent thirty days after the transcript is available to review the transcript and recite any changes in the testimony given. The same rules apply to depositions taken in criminal matters, under Rule 15(d) of the Federal Rules of Criminal Procedure.

At the June 27th Judiciary Committee hearing, one Republican member asserted that "there is a question of the coffees," without identifying the question. To the extent this implies that there is something wrong with clarifying a record with a letter shortly after providing testimony, this can be summed up as just more partisan haze.

GUN TRAFFICKING REPORT

Mr. LEVIN. Mr. President, last week the Bureau of Alcohol, Tobacco and Firearms (ATF) released a new report about the illegal firearms market. The ATF's report documents 1,530 criminal investigations involving firearms traffickers for the time period between July 1996 and December 1998. These trafficking investigations led to the recovery of more than 84,000 illegal firearms and the prosecution of more than 1,700 defendants.

The ATF report provides significant insight in to the gun trafficking trade. The investigation reveals that too many loopholes in our national framework for firearms distribution permits

traffickers to divert legal guns to the illegal marketplace. The vulnerabilities in our law, identified by the ATF, are a result of corrupt federal firearms licensees, who were associated with only 10 percent of the investigations in the report but accounted for nearly half of the firearms involved, a staggering 40,000 guns; gun shows, which supplied channels for 26,000 guns, the second highest number of illegally trafficked firearms in the investigation; straw purchasers, who bought and transferred firearms to unlicensed sellers or prohibited users; unlicensed sellers, who were not required to conduct Brady background checks or maintain records of their sales; and firearms theft.

Mr. President, we can no longer afford to ignore the deficiencies in our federal firearm laws. Gun trafficking gives criminal users and young people access to tens of thousands of illegal guns. If Congress wants to reduce firearm trafficking, then first and foremost, we must close the gun show loophole. Secretary Lawrence Summers, who oversees the ATF explained "This report . . . shows that we must do more to close every trafficking channel, starting with closing the gun show loophole . . ." Furthermore, we must increase criminal penalties for traffickers and crack down on corrupt federal firearms licensees, straw purchasers, and unlicensed sellers. I urge Congress to pay attention to this report and pass sensible gun measures that will end the deadly flow of firearms to the illegal marketplace.

I request an article be printed in the RECORD entitled "The Biography of a Gun," which explains how a single gun makes the transition from legal to illegal commerce.

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

[From the New York Times, Apr. 9, 2000]

THE NATION—THE BIOGRAPHY OF A GUN

(By Jayson Blair and Sarah Weissman)

In America, more than 200,000 guns are traced by law enforcement each year. This is the story of one of those weapons—named after its serial number—No. 997126, a 12-shot, 9 millimeter Jennings semi-automatic.

The gun, made mostly of plastic, was manufactured in 1995, at a factory near John Wayne International Airport in Costa Mesa, Calif. It is now wrapped in plastic, locked in a police property clerk's office near the New York State Supreme Court building in downtown Brooklyn. In between, the gun is believed to have been used in at least 13 crimes—including the murder of 2 people and the wounding of at least 3 others in the Brownsville section of Brooklyn.

The dead were a 16-year-old boy who was sitting on top of a mailbox and a 48-year-old shopkeeper who was the father of 4 children. The injured were a man who got in the way during a robbery, a Jehovah's Witness from Chicago who had moved to Brooklyn to do volunteer work, and a rookie New York City police officer.

In New York, about 6 in 10 murder victims are killed with firearms.

No. 997126 is 6 inches long and weighs 16 ounces. It was made at the Bryco Arms plant, where more than 200,000 inexpensive handguns are manufactured each year.

Byrco is owned by Janice Jennings, the former daughter-in-law of George Jennings, who founded the first in what became a cluster of Southern California gun manufacturers known collectively as the Ring of Fire.

From Byrco, the gun was shipped to B.L. Jennings, Inc., a Carson City, Nev., distributor owned by George Jennings's son and Janice's ex-husband, Bruce. No. 997126 was bought by Acua Sport Corporation, a federally licensed wholesaler in Bellefontaine, Ohio. Acua sold it, for about \$90, to Classic Pawn and Jewelry, Inc. in Chickamauga, Ga.

In August 1998, Classic resold the gun to a Georgia woman for about \$150. Investigators believe that the woman was buying the 9 millimeter gun as a straw purchaser on behalf of Charles Chapman. He was prohibited by federal law, because of a previous felony conviction, from purchasing firearms. Investigators say they believe Mr. Chapman drove the firearm to New York, where it was sold to a member of the Bloods gang. And that is how, investigators say, the gun got to Demeris Tolbert.

The police say No. 997126 was recovered when Mr. Tolbert was arrested on the roof of the Howard Houses after the shooting of a New York police officer, Tanagiot Benekos, who was looking for suspects in the killing of a pawnbroker earlier that afternoon.

Mr. Tolbert had been paroled the previous January after serving three years of a nine year sentence for drug possession. Prosecutors say that after the New York City Police Department's ballistics laboratory linked the gun to slugs recovered from the earlier shootings, Mr. Tolbert, 32, of Brownville confessed.

Investigators say he also took responsibility for a 1990 shooting of a clerk at an East New York bodega, the 1991 killing of a Crown Heights security guard, four other shootings and an attempted murder.

The Brooklyn District Attorney's office has charged him with murder, attempted murder and attempted murder of a police officer.

The ballistic information and serial number were matched against a Bureau of Alcohol, Tobacco and Firearms database, which prompted a federal gun-smuggling investigation. Special Agent Edgar A. Domenech, who oversees the bureau's New York and New Jersey division, said the A.T.F. traced the weapon and 30 others to Charles Chapman. He is being held, along with alleged accomplices, on charges of gun trafficking and conspiracy to illegally purchase firearms and transport them for sale to criminals in New York, where more stringent laws bar the sort of wholesale purchases permitted in Georgia.

Howard Safir, the New York City police commissioner, has proposed tighter, uniform national licensing regulations, and the annual registration of firearms to hold owners accountable for the illegal sales of weapons they purchase.

SOCIAL SECURITY ADMINISTRATIVE EXPENSES

Mr. CONRAD. Mr. President, I want to draw the attention of the Senate to an important funding issue that is pending in the Senate version of the Labor/HHS Appropriations bill. The funding level for Social Security administrative expenses doesn't receive much attention, but it is critical to the effective delivery of Social Security benefits to those who are entitled to them.

Social Security administrative expenses are actually partially funded

from the Social Security trust funds, and they ensure that the programs administered by the Social Security Administration are delivered to the American public in an efficient, timely, and professional manner. In addition, SSA maintains records of the yearly earnings of over 140 million U.S. workers and provides them with annual estimates of their future benefits. The agency will also administer the Ticket to Work Program, and the administrative workload associated with the Retirement Earnings Test.

I am concerned that the level of funding contained in the Labor/HHS Appropriations bill is not sufficient, and does not recognize the administrative challenges Social Security will be facing in the near future. Last year the Social Security Administration provided service to 48 million people. In 2010 SSA will be providing services to 62 million people, due to the retirement of many baby boomers. During this same period, the SSA will lose nearly half of its staff to retirement, including many individuals who staff the offices located in our states and who work directly with the public.

In North Dakota, there have been large staff reductions in some of my state's main SSA offices. These shortages have affected timely completion of continuing disability reviews, and service delivery has been difficult to maintain for those who live in rural areas.

The Social Security Advisory Board—a bipartisan Congressionally mandated Board—recently issued a report on "How the Social Security Administration Can Improve Its Service to the Public," which stated that "there is a serious administrative deficit now in that there is a significant gap between the level of services the public needs and that which the agency is providing. Moreover, this gap could grow to far larger proportions in the long term if it is not adequately addressed."

The Senate Labor/HHS bill includes a funding level that is \$123 million below the President's request. I hope that as the appropriations process moves forward, the Congress will work to ensure an adequate level of funding for SSA administrative expenses.

Mr. FEINGOLD. Mr. President, I rise today to celebrate National Dairy Month, and the wonderful history of our nation's dairy industry. During June Dairy Month we in Wisconsin take a special opportunity to celebrate Wisconsin dairy's proud tradition and heritage of quality. This month provides an opportunity for all Wisconsinites—both those on and off the farm—a special time to reflect on the historical importance, and future of America's dairy industry.

This month is especially important to my home state of Wisconsin, America's Dairyland. What many of my colleagues may not know is that Wisconsin became a leader in the dairy industry well before the 1930's when it

was officially nicknamed America's Dairyland. It was soon after the first dairy cow came to Wisconsin in the 1800's that we began to take the dairy industry by storm.

In fact, before Wisconsin was even a state, Ms. Anne Pickett established Wisconsin's first cheese factory when she combined milk from her cows with milk from her neighbor's cows and made it into cheese.

Over the past month, Wisconsinites have recognized this proud tradition by holding over 100 dairy celebrations across our state, including dairy breakfasts, ice cream socials, cooking demonstrations, festivals and other events.

These functions help to reinforce the consumer's awareness of the quality variety and great taste of Wisconsin's dairy products and to honor the producers who make it possible.

Unfortunately, the picture for producers has not been that bright. Dairy prices for this year's National Dairy Month, along with most of the first half of this year, have reached all time lows.

Low milk prices—the lowest since 1978—are wreaking havoc on Wisconsin's rural communities. In addition to these low prices, dairy farmers are also facing month to month price fluctuations of up to 40 percent.

What is so troublesome is that farmers are experiencing these low prices while the retail price continues to increase. In fact, thanks to a 20 percent jump last year in the retail price, the farm retail price spread for dairy products has more than doubled since the early 1980s.

Because of this concern, earlier this year, Senator LEAHY and I asked the General Accounting Office to conduct a thorough investigation into the increasing disparity between the prices dairy farmers receive for their milk, and the price retail stores charge for milk.

In the study, GAO will focus its attention on the impact of market concentration in the retail, milk processing, procurement and handling industries and describe the potential risks of any such concentration for dairy farmers and federal nutrition programs.

Specifically, we asked the GAO to identify the factors that are depressing the price farmers receive for their milk, and why this trend has persisted while retail prices continue to rise. After all, this trend defies economic expectations, and frustrates the aspirations of hardworking farmers, with no apparent benefit to consumers.

During June Dairy Month, the dairy industry also called for mandatory price reporting for manufactured products. In early June, the sudden discovery of 24 million pounds of butter shined the spotlight on the need for an effective reporting system for storable dairy products.

The Chicago Mercantile Exchange (CME), which tracks domestic butter stocks, discovered a new warehouse

that hadn't been reporting its butter inventory. When this huge quantity of butter was finally reported, prices went down sharply, and so did the dairy industry's faith in the reporting system for storable dairy products.

Wall Street would never put up with this kind of reporting errors in its markets, and neither should the agriculture industry.

Regardless of where the dairy industry chooses to get its information, through the National Agricultural Statistics Service or the Chicago Mercantile Exchange, that information must be accurate. These costly mistakes happen because the current reporting system is voluntary, leaving room for serious errors.

To address this growing concern, Senator CRAIG and I introduced the Dairy Market Enhancement Act of 2000, which takes the next step toward fair and accurate reporting. It would mandate reporting by dairy product manufacturing plants, would subject that reporting to independent verification, and would require the USDA to ensure compliance with the mandatory reporting and verification requirements.

Our bill also would direct the Commodities Futures Trading Commission to conduct a study on the reporting practices at the CME and report its findings to Congress.

We must also ensure that America's dairy farmers are put on a level playing field in the world economy. As I travel to each county in Wisconsin, I hear a growing concern over efforts to change the natural cheese standard to allow dry ultra-filtered milk in natural cheese.

Our dairy farmers have invested heavily in processes that make the best quality cheese ingredients, and I am concerned about recent efforts to change the law that would penalize them for those efforts by allowing lower quality ingredients to flood the U.S. market.

Senator JEFFORDS and I introduced the Quality Cheese Act of 2000 to respond to the call of our nation's dairy farmers.

Our legislation would disallow the use of so called "dry" ultra-filtered milk—milk protein concentrate and casein—in natural cheese products, and require USDA to consider the impact on the producer before any other changes may be made to the natural cheese standard.

I recognize that these efforts are only a step in the right direction.

In addition to addressing the increased market concentration, enacting mandatory price reporting, and protecting the natural cheese standard, Congress must also provide America's dairy farmers with a fair and truly national dairy policy and one that puts them all on a level playing field, from coast to coast.

TESTIMONY BY THE SECRETARY OF THE SMITHSONIAN INSTITUTION

Mr. DODD. Mr. President, this week the Committee on Rules and Administration held an oversight hearing on the Smithsonian Institution and received testimony from the new Secretary, Lawrence M. Small. Although he has only served in this capacity for a short 6 months, it is already clear that Secretary Small's vision for the Smithsonian will have a lasting impact on this uniquely American institution.

Secretary Small envisions the Smithsonian as "... the most extensive provider, anywhere in the world, of authoritative experiences that connect the American people to their history and to their cultural and scientific heritage." In other words, the Smithsonian documents who and what we are as Americans. And not surprisingly, over 90 percent of all visitors to the Smithsonian come from the United States.

Who are these visitors and what makes the Smithsonian such a draw? They are families who come to see the relics of our history, such as the Wright brothers' flyer or the Star Spangled Banner which moved Francis Scott Key to pen our national anthem. They are school children who are learning about the ancient inhabitants of this land, whether dinosaurs or insects. They are young parents retracing the pilgrimage to our nation's Capitol that they made as children. They are new immigrants and Americans of all ages who come to see the treasures that are housed in America's attic.

There are nearly 141 million objects in the Smithsonian's collections, fewer than 2 million of which can be displayed at any given time in the 16 museums that make up the Smithsonian. On average, there are nearly 39 million visitors a year to the Smithsonian's museums and the national zoo. The fact is, 3 of the most visited museums in the world are right here on the mall.

They are the Smithsonian's Air and Space Museum, the Natural History Museum and the Museum of American History. And yet even with those amazing numbers, Secretary Small advised the Rules Committee this week that he believes the Smithsonian can do even better in making the Smithsonian accessible to the public, both in terms of the quality and quantity of the exhibits and the condition of the physical space.

But all of this popularity comes at a price, and that price is the physical wear and tear on the Smithsonian's buildings and exhibits. The buildings of the Smithsonian are in and of themselves historic monuments and landmarks within our nation's capital. The Smithsonian Castle, a fixture on the mall since the cornerstone was laid in 1847, receives nearly 2 million visitors a year, even though it houses no museum.

The oldest building, the Patent Office Building, houses the National Portrait

Gallery and the National Museum of American Art. Construction of this Washington landmark was begun in 1836 and was the third great public building constructed in Washington, following the Capitol and The White House.

The National Museum of Natural History, home to the Hope Diamond and the Smithsonian elephant, opened its doors in 1910. This year, nearly 1.3 million visitors toured this museum in the month of April alone. The popularity of these grand and historic buildings is taking its toll, and they are quite simply in need of significant renovation and repair.

Secretary Small is committed to preserving not only the aging buildings of the Smithsonian, but to upgrading the exhibits as well to ensure that they provide a continuing educational experience. He is in the process of developing a 10-year plan to facilitate the necessary restorations and renovation.

These buildings are part of the historic fabric of this capital city, and it would be very short-sighted of Congress not to provide for their adequate maintenance and repair. I commend Secretary Small for his vision in this regard and believe that Congress should act on his recommendations when they are received. An op-ed piece by Secretary Small appeared in Monday's Washington Post in which he described his vision of the Smithsonian and the need to preserve these historic landmarks.

I urge my colleagues to acquaint themselves with the needs of this great American institution as it faces the opportunities and challenges of the 21st century.

I ask unanimous consent that the article by Secretary Small be included in the RECORD following my remarks.

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

[From the Washington Post, June 26, 2000]

AMERICA'S ICONS DESERVE A GOOD HOME

(By Lawrence M. Small)

A recent report from the General Accounting Office identified 903 federal buildings around the country that are in need of some \$4 billion in repairs and renovations. The buildings are feeling the effects of age. It's a feeling we know all too well at the Smithsonian.

Construction on the Patent Office Building, the Smithsonian's oldest, began in 1836. The cornerstone of the original Smithsonian Castle on the National Mall was laid in 1847; the National Museum building adjacent to it was completed in 1881, and the National Museum of Natural History opened in 1910.

The age of these four buildings would be reason enough for concern, but there's a significant additional stress on them. The Smithsonian's museum buildings are open to the world. They exist to be visited and to be used—and they've been spectacularly successful at attracting the public.

Attendance in recent months at the Natural History Museum has made it the most-visited museum in the world, a title held previously by our National Air and Space Museum. In the years ahead, the Smithsonian will be working to open its doors wider still

and to attract even more visitors. So, what time doesn't do to our buildings, popularity will—and thank goodness for that.

More than 90 percent of Smithsonian visitors are Americans, many traveling great distances on a pilgrimage to the nation's secular shrines—the Capitol, the White House, the Library of Congress, the many memorials to brave Americans. The history of the nation is built into such structures. They're the physical manifestation of our shared sense of national identity.

Smithsonian Institution buildings belong in the company of those other monuments, because the Smithsonian is the center of our cultural heritage—the repository of the creativity, the courage, the aspirations and the ingenuity of the American people. Its collections hold a vast portion of the material record of democratic America.

The most sophisticated virtual representation on a screen cannot match the experience of standing just a few feet from the star-spangled banner, or the lap-top desk on which Thomas Jefferson wrote the Declaration of Independence, or the hat Lincoln wore the night he was shot, or the Wright brothers' Flyer and the Spirit of St. Louis. All those icons of America's history, and countless others of comparable significance, are at the Smithsonian.

And yet the experience of viewing them is compromised by the physical deterioration of the Smithsonian's buildings, which are becoming unworthy of the treasures they contain. The family on a once-in-a-lifetime trip to Washington and the Smithsonian should not have to make allowances—to overlook peeling paint, leak-stained ceilings and ill-lit exhibition spaces.

We can try to hide the problems behind curtains and plastic sheeting. But the reality cannot be concealed: The buildings are too shabby. In the nation's museum—to which Americans have contributed more than 12 billion of their tax dollars over the years—this embarrassment is not acceptable. It's no way to represent America.

The Smithsonian has hesitated in the past to put before Congress the full scale of its repair and renovation needs. It has tried instead to make do. But it will be undone by making do, and the American people will be the losers.

So we intend to face the problem and to transform the physical environment of the Smithsonian during the coming decade. The United States is in a period of immense public and private prosperity, and we should take every opportunity to turn that wealth to the long-term well-being and enhancement of the nation. Restoring the museums of the Smithsonian to a condition that befits the high place of our nation in the world will be a splendid legacy from this generation to future generations of Americans.

In January the nation will swear in the new century's first Congress and inaugurate its first president. They must be committed to preserving the nation's heritage. At the same time, we as private citizens must do our part to meet this critical need.

Americans should not have to wonder why their treasures are housed in buildings that seem to be falling apart. Instead they should marvel at the grandeur of the spaces and at the objects that are the icons of our history.

CHINA PERMANENT NORMAL TRADE RELATIONS LEGISLATION

Mr. BAUCUS. Mr. President, I would like to spend a few moments talking about the issue of PNTR, Permanent Normal Trade Relations, with China. Last month, the House passed H.R.

4444. That bill authorizes PNTR for China once the multilateral protocol negotiations are completed and the WTO General Council approves China's accession. The bill includes a solid package of provisions that establishes a framework for monitoring progress and developments in China in the human rights area. It also provides for enhanced monitoring of China's compliance with its trade commitments.

Now, it is our turn in the Senate to act. We have two challenges. First, we need to debate the bill now, not later. And, second, we need to pass the bill without amendment. I call on the Majority Leader to set a date certain in July to start this process.

Extending permanent normal trade relations status to China. Regularizing our economic and trade relationship with China. Bringing China into the global trade community. Helping the development of a middle class in China. Developing an environment between our two countries where we can productively engage China in significant security, regional, and global discussions. These are not Democratic issues. These are not Republican issues. These are national issues. Passage of PNTR is a first step, and it is critical to America's national economic and security interests.

Support in the Senate is strong. I believe there will be an overwhelming vote in favor of final passage. Republicans and Democrats. Small states and large. East and West. North and South. Conservative and liberal. Most of us recognize how important this is to our country, to the region, and to the world.

That is why I will continue to urge the Majority Leader to set a firm date to bring the PNTR bill to the floor so we can move this legislation. I ask my colleagues, Republican, as well as Democrat, to join me in delivering that message to the Majority Leader.

Once it comes to the floor, there will likely be a plethora of amendments, some germane and others non-germane. The Senate has its own rights and prerogatives. I will always defend the right of Senators to offer amendments to a bill. But, I am concerned that amendments in the Senate, which would force the bill into a conference with the House, would lead to delaying, and perhaps jeopardizing, final passage of this landmark legislation. We cannot afford such a development.

H.R. 4444 is a very balanced bill. It deals with the major concerns relative to China's entry into the global trading system. Therefore, along with many of my colleagues, I have made a commitment to oppose any amendment to H.R. 4444, no matter how meritorious the amendment might be on its own terms. Prompt passage and enactment of this bill should be a top bipartisan priority. I urge all my colleagues to join me in making the commitment to oppose any attempt to amend this legislation.

H.R. 4444 ensures that future U.S. administrations will closely monitor Chi-

na's compliance with its WTO obligations and with other trade agreements made with the United States. It will make the administration in the future act promptly in the case of damaging import surges. It provides for a vigorous monitoring of human rights, worker rights, and the import of goods produced by forced or prison labor. H.R. 4444 also provides for technical assistance to help develop the rule of law in China. It enhances the ability of U.S. government radios to broadcast into China. And it states the sense of Congress regarding Taiwan's prompt admission to the WTO.

To repeat, extending PNTR to China is vitally important to America's economic and strategic interests. Our top priority should be a bill approved by the Senate identical to H.R. 4444 so that it can immediately be sent to the President for signature. I hope we complete action rapidly in July.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 28, 2000, the Federal debt stood at \$5,649,147,080,050.00 (Five trillion, six hundred forty-nine billion, one hundred forty-seven million, eighty thousand, fifty dollars and no cents).

One year ago, June 28, 1999, the Federal debt stood at \$5,640,294,000,000 (Five trillion, six hundred forty billion, two hundred ninety-four million).

Five years ago, June 28, 1995, the Federal debt stood at \$4,948,205,000,000 (Four trillion, nine hundred forty-eight billion, two hundred five million).

Twenty-five years ago, June 28, 1975, the Federal debt stood at \$535,337,000,000 (Five hundred thirty-five billion, three hundred thirty-seven million) which reflects a debt increase of more than \$5 trillion—\$5,113,810,080,050.00 (Five trillion, one hundred thirteen billion, eight hundred ten million, eighty thousand, fifty dollars and no cents) during the past 25 years.

ADDITIONAL STATEMENTS

HOW NOT TO SQUANDER OUR SUPERPOWER STATUS

• Mr. BIDEN. I rise today to comment briefly on an extremely thought-provoking opinion piece by Josef Joffe in the June 20th edition of the New York Times. The article was entitled "A Warning from Putin and Schroeder." It describes how the current global predominance of the United States is being countered by constellations of countries, which include allies and less-friendly powers alike, and how American behavior is aiding and abetting this development.

Mr. Joffe is the co-editor of the prestigious German weekly *Die Zeit*. He received his university education in the United States and is well known and respected in American foreign policy

circles. In short, his thoughts are advice from a friend, not hostile criticism from an embittered or jealous antagonist.

The take-off point of the article, from which its headline is derived, was the recent summit meeting in Berlin between German Chancellor Gerhard Schroeder and Russian President Vladimir Putin during which Putin employed the classic Muscovite tactic of wooing Europe's key country in an effort to have it join Russia as a counterweight to us.

Fair enough, Joffe says. Whenever the international system has been dominated by one power, a natural movement to restore the balance has arisen. With regard to the United States, this is nothing new—the Chinese, as well as the Russians, have been decrying a “unipolar world” and “hegemonism” for years.

But Germany—the country the United States practically reinvented from the ashes of World War II, ushered back into the civilized family of nations, and then stood out as the only champion of re-unification only a decade ago? No matter how gushy a host he wished to be, how could the Chancellor of this Germany suddenly be calling for a “strategic partnership” with Russia?

One answer, according to Joffe, is the obvious and passionate hostility to the U.S. national missile defense project, known popularly as NMD, which the Russians and our German allies—for that matter, all of our European allies—share.

A second reason can be traced to the obvious shock at the overwhelming American military superiority shown in last year's Yugoslav air campaign. The manifest European military impotence impelled the European Union to launch its own security and defense policy, which NATO is now struggling to integrate into the alliance.

To some extent, then, the very fact of our current power—military, economic, and cultural—makes attempts at creating a countervailing force nearly inevitable.

But there is more. It is not only the policy that spawned NMD that irritates our European allies. What also irks them is the cavalier way in which we neglected to consult with them in our rush to formulate that policy. As Joffe trenchantly puts it, “America is so far ahead of the crowd that it has forgotten to look back.”

In this, the second half of his explanation, I fear that Joffe is on to something: a new kind of American hubris. Again, his use of English is enviable. He describes the behavior of Congress these days as “obliviousness with a dollop of yahooism” (I assume he isn't talking about the search engine).

Mr. President, no one loves and respects this body more than I do. I believe that the American people is exceedingly well served by the one hundred Senators, all of whom are intelligent and hard-working.

Nevertheless, I note with dismay an increasing tendency in this chamber—I will leave judgments of the House of Representatives to others—for Members to advocate aspects of foreign policy with a conscious disregard, occasionally even disdain, for the opinions of our allies and the impact our policies have on them.

This kind of unilateralism was exhibited in the floor debate last fall on ratification of the Comprehensive Test Ban Treaty by one of my colleagues who, in responding to an article jointly authored by British Prime Minister Tony Blair, French President Jacques Chirac, and German Chancellor Schroeder, declared: “I don't care about our allies. I care about our enemies.”

No one, Mr. President, is advocating abandoning or compromising the national interest of the United States simply because our allies oppose this or that aspect of our foreign and security policy.

But power—in the current context, our unparalleled power—must be accompanied by a sense of responsibility.

Mr. Joffe alludes to this power-and-responsibility duality in recalling the golden age of bipartisan American foreign policy in the years immediately following the Second World War, when Republican Senator Arthur Vandenberg and Democratic President Harry S. Truman collaborated on halting the spread of communism and on helping create the international institutions that remain the cornerstones of our world more than half a century later. As he puts it “responsibility must defy short-term self-interest or the domestic fixation of the day.”

Mr. President, one does not have to agree with all of Joffe's arguments to admit that his assertions at least merit our serious consideration. For if we do not begin to realize that even the United States of America needs to factor in the opinions of its friends when formulating foreign policy, it may not have many friends to worry about in the future.

And if that development occurs, we will almost certainly no longer retain the sole superpower status that we now enjoy.●

TRIBUTE ON THE 100TH ANNIVERSARY OF MANCHESTER, VERMONT

● Mr. JEFFORDS. Mr. President, I rise today to note the 100th anniversary of the Charter of Manchester Village.

Manchester Village lies in the valley of the Battenkill River nestled between the Green Mountains to the east and the Taconic Mountains to the west. Due to its geography and topography, Manchester Village has been at the crossroads of the earliest trails and roads in Vermont. The slopes of Mount Equinox, which rise 3,800 feet above the village, provide numerous fresh water streams and natural springs for the enjoyment of the resident and visiting populations.

From its earliest days to the period of the Civil War, Manchester was very much frontier country with numerous inns and taverns at its crossroads. In 1781, according to the town history detailed in the 1998 Village Plan, “there were no churches, but there were four taverns, a jail, a pillory and a whipping post.” But by 1840, Vermont was the slowest growing state in the Union, as much of the natural resources of the state had been depleted, and wool imports from Australia had brought an end to a brief boom of sheep raising in Manchester and other parts of the state.

Beginning just prior to the Civil War, however, tourists began to discover Manchester. In 1853, the Equinox Hotel was opened by Franklin Orvis, who converted an inn that had begun in 1770. In 1863, when Mrs. Abraham Lincoln and her son, Robert Todd, stepped off the ten o'clock train, Manchester's reputation was made. Later, Presidents Ulysses S. Grant, William Howard Taft, Benjamin Harrison, Theodore Roosevelt, and Vice-President James S. Sherman would follow as visitors to Manchester Village.

Today, the Equinox remains as one of Vermont's grandest establishments. The Village is also home to Hildene, the summer home of Robert Todd Lincoln and now operated as a house museum. The Southern Vermont Art Center, the Mark Skinner Library, Burr and Burton Academy, and two world class golf courses can be found in Manchester Village, along with numerous delightful inns and hotels, charming churches, exquisite restaurants, engaging museums, enchanting galleries and unique shops.

Manchester Village thrives today in large part due to careful planning and the guardianship of an impressive streetscape characterized by marble sidewalks, deep front lawns, large, historic buildings, and an absence of fences. Village residents have faced the challenge of responsible and active stewardship since the tourist boom of the second half of the 19th century, and the Village Charter is an important part of that history.

For some details of the genesis of the incorporation of Manchester Village 100 years ago, I turn to “The Manchester Village Charter,” written by Mary Hard Bort and reprinted here by permission of the Manchester Journal. Congratulations to the Village of Manchester on the event of its 100th birthday. I ask that that be printed in the RECORD.

The material follows.

THE MANCHESTER VILLAGE CHARTER (By Mary Hard Bart)

By 1900 a building boom was flourishing in Manchester Village. It was nearly impossible to hire a carpenter and the “summer people” who intended to build “cottages” that year often found it necessary to hire labor from out of town.

Some twenty years earlier in 1880 Village boundaries had been laid out by the town's selectmen and approved by the Vermont Legislature for the purpose of providing fire protection in Fire District #2 (the Village).

In 1894 John Marsden came to Manchester from Utica, NY and contracted to purchase the springs on Equinox Mountain from the Fire District and rights of way for a water system. Prior to this time water for fighting fires was stored in huge barrels strategically placed throughout the Village and individual households were supplied by wells, or springs, or cisterns.

Pipes were laid, a reservoir built and The Manchester Water Company was formed in October 1894. The company had purchased all the water contracts, springs, rights of way and conduits from the Marsden family. Officers of the corporation included Mr. Marsden, Mason Colburn of Manchester Center, J.W. Fowler of Manchester Depot and E.C. Orvis of the Village. The Marsden family continued to manage the water company until it was purchased by the Town of Manchester in 1980.

With a water system in place, the need for a sewage system was pressing. The inadequacy of the open trench installed by Franklin Orvis in 1882 was apparent and, in the spring of 1900, public spirited Village residents borrowed enough capital to build proper sewer lines through District #2. Many householders put in bathrooms at this time and eschewed the outhouses that had served their modest needs up til then. These sewer lines emptied directly into the Bauerkill and it was not until 1935 that a modern sewage treatment plant was built with federal funds, appropriated Village funds and private contributions.

Back in 1858 citizens of the Village had petitioned the Legislature for authority to create a charter and had received permission to do so but no action had ever been taken. Now, at the end of the century, an entity with the authority to purchase and construct a sewer, to provide street lights, to regulate the width and grade of roads and sidewalks, to prohibit certain activities, regulate others and to protect property was clearly in order.

The desire on the part of Village leaders to develop Manchester as a fine summer resort with all the amenities city people expected proved to be a strong incentive for action. These men whose vision of a thriving summer resort led to the building of elegant summer cottages, a golf course and the opening of new streets were not satisfied with the progress being made by the town in providing services they deemed essential.

Village voters were called to a series of meetings at the Courthouse where the need for a charter was explained and by October a bill was presented by Edward C. Orvis. He was the son of Franklin Orvis and the current operator of the Equinox House, a selectman for eight years and a representative and, later, senator in the Vermont Legislature. Also on the committee were William B. Edgerton, well-known realtor and creator of several spacious summer estates, and Charles F. Orvis, now elderly but with a wisdom greatly valued and respected in the village. He was the proprietor of the Orvis Inn as well as the manufacturer of fishing equipment.

On November 11, 1900 the Bill of Incorporation for the Village of Manchester, Vermont passed in the House of Representatives and was signed by the governor.

On December 3, 1900 the voters of Fire District #2 met at the Courthouse and following an explanation of the provisions of the charter, adopted the Village Charter, unanimously. The Charter compels the Village to assume the obligations and duties of Fire District #2, which ceased to exist with the adoption of the charter. Also incumbent upon it is care of its highways, bridges and sidewalks. Permitted are improvements to public grounds, sidewalks and parks and ordinances compelling property owners to re-

move ice, snow and garbage from their property. Also allowed are street lights provided by the Village and the purchase or construction of sewers as well as the regulation of the width and grade of streets and sidewalks.

Elected to serve this new Village of Manchester were: Edward C. Orvis, as president, D.K. Simonds, clerk, George Towsley, treasurer and Trustee; C.F. Orvis, Hiram Eggleston, M.J. Covey and Charles H. Hawley. Promptly on January 10, 1901, according to provisions in the Charter, the Village of Manchester purchased from private investors, the sewer that served it.

Quickly following on the heels of incorporation, the Manchester Development Association was formed in 1901 to promote tourism in the area. This group, made up of full-time and summer residents, underwrote the printing of 15,000 promotional booklets extolling the virtues of Manchester-in-the-Mountains as a summer resort. Its newly opened golf course (the Ekwonok), its pure spring water, its "salubrious" climate were sure to bring people here.

In 1912 the Village hired a special police officer for the summer to control the traffic. The mix of automobiles and horses had created some dangerous situations and some automobile drivers were accused of driving too fast for conditions.

In 1921, the year after women secured the vote, Mrs. George Orvis, who had taken over the Equinox Hotel after her husband's death, was elected president of the Village.

Assaults on the integrity of the Village as a separate entity have been vigorously repelled. In 1956 a measure to consolidate the Village with the Town was soundly defeated and, though fire protection and police protection are provided by the Town of Manchester, the Village retains its own planning and zoning boards and its own road department and the privilege of hiring additional police officers if it deems that necessary.

Numerous amendments had been made to the charter over time. As estates bloomed land was added to the Village, other amendments brought the charter up to date as time went on. A new document was written to bring the charter up to date in language and in provision and it was approved by the Town of Manchester and by Village voters and by the Legislature in 1943.

For one hundred years Manchester Village has existed as a recognized legal entity with the rights, privileges and obligations that follow. Its officers today guard its integrity with as much vigor as did their predecessors.

July 2000.●

TRIBUTE TO JIM DUNBAR

● Mrs. BOXER. Mr. President, on July 14, Jim Dunbar will rise well before dawn, drive to San Francisco, and broadcast his morning show on KGO radio. As he has done each weekday for the past quarter century, Jim will read and comment on the news, tell a few stories, and take listeners' calls. He will help his audience start their day in a good mood, armed with good information about the world.

For 37 years, Jim Dunbar has served KGO and the people of the Bay Area with dignity, intelligence, and good humor. He blends solid reporting with amiable companionship without compromising either his journalist's integrity or his personal charm. He gives his listeners a good morning and his profession a good name.

Speaking as one of his many listeners, I must add the one piece of sad

news in this story: Although Jim Dunbar will still contribute radio essays and special reports for KGO, July 14 will be his last morning show. Like thousands of others, I will miss Jim Dunbar in the morning, and I wish him all the best in his future endeavors.●

FAIRFAX COUNTY URBAN SEARCH AND RESCUE TEAM

● Mr. WARNER. Mr. President, I rise today to honor a fine group of Americans who have performed a remarkable service to this country and to our global community. The Fairfax County Urban Search and Rescue Team were honored on June 27, 2000 in a ceremony held at The Pentagon for their extraordinary efforts over the past 14 years. The following remarks were delivered on this occasion by Secretary of Defense William Cohen:

Senators Warner and Robb, Congressmen Moran and Davis, thank you all for joining us here today and for your tireless efforts on behalf of our men and women in uniform. Deputy Secretary DeLeon; Assistant Chief of Fairfax County Urban Fire and Rescue Team, Mark Wheatly; members of the Fairfax County Urban Search and Rescue Team and your families and friends; distinguished guests—including our canine friends; ladies and gentlemen. It is a pleasure to welcome all of our guests, whether they arrived on two legs or on four.

Two years ago, I received a call in the middle of the night. It was the tragic news of the embassy bombings in Kenya and Tanzania. And I think all Americans—indeed, people the world over—were simply stunned by the unspeakable cruelty and inhumanity of that act, the lives of 267 innocent men and women snuffed out in a single instant of indiscriminate violence.

Such moments force us to pause and reflect on the thinness of the membrane that separates this life from the next, on how quickly our hearts can be stopped and our voices can be silenced. And there is the futile wish that we all experience in grief: the wish to turn back the hand of time, to reverse what fate has just dictated. Of course, we cannot. But what we can do is renew our appreciation of the precarious and precious nature of our lives, resolve to use our time and energy to preserve and protect the sanctity of life and freedom, and rededicate ourselves to those principles of humaneness and generosity.

Today, we are here to honor and express our thanks to a group of men and women who have taken that ideal to its highest expression, who have made that ideal both a career and a calling. Time after time over the past 14 years, those of you in the Fairfax County Urban Search and Rescue Team have responded to some of the worst disasters of our time: Mexico City, Armenia, Oklahoma City, Turkey, the Philippines, and Taiwan. You have gone into cities whose devastation could vie with Dante's vision of hell. And upon your arrival, there has been no food, no water, no electricity. On every block, horrific scenes of carnage. On every face, confusion, fatigue, and grief. But in every case, you have used your energy, innovation, and skill to make a tangible difference in the lives of disaster victims.

Sometimes it has been risky and harrowing, such as in the Philippines, where your team worked more than 9 hours in a collapsed hotel to free a trapped man while ground tremors from the earthquake continued.

Sometimes it has been a combination of thoughtful planning and sheer luck, such as when a special camera was able to locate an 8-year-old boy, who had practically been buried alive when his bunk bed collapsed under the weight of a crushed building in Turkey.

Sometimes it has been grim and bitter-sweet, such as when you were able to save an elderly woman in Armenia who was the sole survivor from her building.

The rest of us can only imagine the physical and psychological toll that these types of missions take on each of you: day upon day of work without sleep, the chaos of the circumstances, the calls for help and relief that far outnumber your resources and manpower.

So we wanted, on behalf of the Department of Defense, to pay tribute to your efforts and say thank you; in particular, for the aid that you provided during our response to the tragedy in Kenya and Tanzania; but more broadly, for your sacrifices and those of your families and friends, who have provided so much support during your deployments.

We want to commend you for the message of friendship that you have sent to the people of other nations on behalf of the United States. When you go to a foreign country and raise your tents, with those American flags sewn on top, and use your skill, patience, courage, and compassion to help other people, that sends a powerful message of goodwill to other nations.

That is precisely the type of positive example that we in the Department of Defense encourage in our soldiers, sailors, airmen, Marines, and Coast Guardsmen when they are abroad. Because it is a very eloquent and enduring statement about what America stands for.

I cannot tell you how many times my counterparts abroad have expressed to me their gratitude—to the United States and the American people—for some type of assistance or aid. That type of relationship—including the trust, respect, and appreciation that you earn—is indispensable to diplomacy, stability, and peace. And so we thank you.

Finally, I want to congratulate you for the example that you have set for cooperation between the military community and the civilian community. Several of you have already participated in our Domestic Preparedness Program, and your efforts are going to be even more important in the future as terrorism and weapons of mass destruction become greater threats here in the United States. Every time we work with you to get your gear and trucks onto an air transport or fly you to a distant location, our partnership becomes more valuable for you and for us. Ultimately, when the sirens sound the next time, that experience will allow even more lives to be saved.

Just across the hall from my office here in the Pentagon there is a painting of a soldier in prayer. It is graced with an inscription taken from the Book of Isaiah. In the passage, God asks: "Whom shall I send? And who will go for us?" And Isaiah answers: "Here I am. Send me."

Today it is my pleasure to honor an extraordinary group of Americans who, in the dark and decisive hours after tragedies, have always been willing to say, "Here I am. Send me." You proudly represent not only Fairfax County and the state of Virginia, you represent the best of America and the better angels of our nature.

TRIBUTE TO LUCY CALAUTTI

• Mr. REID. Mr. President, I rise today to pay tribute to a woman who has dedicated her career to public service and is a good friend, Lucy Calautti.

I have known Lucy Calautti for twenty years, since she was the Chief of Staff for then Congressman DORGAN, even before becoming his chief of staff in the U.S. Senate. Throughout the years I have been inspired by her intelligence and political skills in the service of the United States Congress.

Many people on the Hill know about Lucy's professional accomplishments, but few of them know about the incredible service she has rendered our nation before she can to Washington. Lucy Calautti's extensive and varied career in the interest of the public, includes service in the United States Navy as an aerial photographer during the Vietnam War. After that her inspiration to serve the American people never faded—in fact it was enhanced—as she photographed protesters outside the 1968 Democratic convention. Her experience in Chicago at the convention of the social turmoil in our country at that time were some of the experiences that has made Lucy the dynamic and sensitive person she is.

Lucy headed west to North Dakota from her birthplace in Queens, New York. She fell in love with the people and land of North Dakota as much as the people and land of North Dakota fell in love with her. She admired North Dakotans' independence, their hard work, and their idealism. It wasn't long after Lucy arrived in North Dakota that she began working with now Senator DORGAN when he became the elected State Tax Commissioner. Theirs was a unique working partnership—one that has lasted more than a quarter of a century.

In her lifetime, Lucy has also been a champion for the rights of women, children, and working families. Some may not know how tirelessly Lucy Calautti has fought for women's rights throughout her career. Lucy began her dedication to the rights of women when she participated in landmark anti-discrimination litigation. As a female GI, she was a courageous pioneer who realized first-hand that the benefits extended to women paled in comparison to the benefits extended to her male colleagues. Lucy took up the cause, and made sure that, for the first time, full GI benefits were provided to women serving in the military. Lucy continued her career in grassroots organizing on behalf of the Women's Democratic Caucus in North Dakota. In fact, The Hill newspaper would later anoint Lucy the "best political organizer the state of North Dakota has ever seen." And while so many people would have stopped with just these accomplishments, Lucy continued to establish the first public child care center in North Dakota, extending the most necessary service to women who juggle work, family, and far too often, poverty.

Lucy's career in public service has also included one of the most important positions in American society today—teaching. Lucy shaped the minds of our future leaders through her

years as a high school and college-level teacher. To this day, Lucy continues her commitment to our nation's children, reading to DC-area children every week. Truly, an inspiration.

Lucy has, literally, shifted the political landscape in North Dakota and the U.S. Senate. As campaign manager Lucy Calautti engineered a come-from-behind victory for KENT CONRAD in the 1986 U.S. Senate race against a seated Republican, marking the first time since 1944 that an incumbent North Dakota Senator lost a reelection bid. Her knowledge of the people of North Dakota coupled with her superior grassroots organizing skills and her media savvy resulted in a campaign that is so respected, it was the subject of a book entitled "When Incumbency Fails."

Contemporaries know Lucy most for her leadership in the office of Senator DORGAN, as she has served as Chief of Staff to Senator DORGAN for more than twenty years. During this time, Lucy performed a key role in shepherding key legislation through the United States Senate. It wasn't too long ago that Lucy played an instrumental role with the Democratic party, staving off the Republican push for a Balanced Budget Amendment, and worked to push an amendment that would not harm Social Security. In those tense days, Lucy was the calm inside the storm, as she quickly worked for a common-sense approach to the issue at the same time she helped bring the state of North Dakota into the limelight. For her skills in politics and legislation, Lucy has been praised universally by her peers. A former aide to the late Senator Quentin Burdick lauded Lucy Calautti as "incredibly astute about politics and human nature, and absolutely brilliant at running a campaign." Former coworkers reserve the highest accolades for Lucy, including one, who praised Lucy as "smart, analytical, meticulous, loyal, and a hard worker." The Hill newspaper even crowned Lucy Calautti with the title of "most powerful woman in the nation's capital."

Now, we are losing Lucy to one of her lifetime loves—baseball. I suppose it is only natural that Lucy return to one of her first and most ardent interests. Growing up in Queens, Lucy lived not too far from Shea Stadium where she began her love of our nation's favorite pastime. Last week, her father passed away. He instilled in her a love of the game of baseball, among so many other attributes. She walks in her father's footsteps, and I'm sure he's the proudest Dad in the world. It is with a great deal of respect that I pay tribute to Lucy Calautti today. Soon, Lucy will join the Major League Baseball Organization as Director of Government Relations. She'll still be playing ball with us, and it's be fun.

Thank you, Lucy, for the time we have been able to enjoy your magnificent intellect and skills in the United States Senate. I thank you for your hard work, your dedication, your idealism, and your service to our country

and most of all for you and KENT being the good friends you have been to Landra and to me.●

TRIBUTE TO R. GENE SMITH

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to my good friend and philanthropist, R. Gene Smith.

I have had the privilege of knowing Gene for many years, and have always been able to witness his compassion for others on numerous occasions. Gene has a kind heart and a giving spirit, and constantly thinks of ways to help those less fortunate than himself. Eight years ago, he offered another of his generous gifts to a fourth grade class in Louisville. In a spectacular show of kindness, Gene promised an all-expense paid college education to 58 students at Jefferson County's poorest school, Engelhard Elementary. The students' part of the deal entailed completing high school and gaining acceptance to a post-secondary college or university. As fourth graders, these children probably couldn't grasp the incredible opportunity they were offered then, but they certainly understand it now.

As Gene often does, he went the extra mile on his promise and committed to helping each of the 58 students graduate from high school. He created the R. Gene Smith Foundation to meet the academic, social, and emotional needs of each child. Over the students' eight-year journey to graduation, the Foundation served as a haven for the children and facilitated learning and personal growth opportunities. In spite of numerous obstacles, Gene and his students exceeded expectations and recently celebrated the graduation of 31 of the original 58 students.

Gene gave an amazing gift. Not only did Gene provide a free college education, but he provided each of the students and their parents with compassion, motivation, and peace of mind over the last eight years. He prevented 31 sets of parents from having to worry about whether they would have the money to pay for their child's education. He provided 31 students with hope for a bright and successful future.

Although this latest act of compassion is extraordinary, it is only one example of Gene's generosity. Gene chaired fund-raising efforts for Neighborhood House, a community center in a poverty-stricken area of Portland, Kentucky. He supports a preschool program for underprivileged children in Kentucky, called Jump Start. Additionally, he donated \$1 million towards redevelopment of the Louisville waterfront. Gene also lends his support to such civic groups as the Speed Art Museum, the Cathedral Heritage Foundation, the University of Louisville Hospital Foundation, and Greater Louisville, Inc.

On behalf of myself and my colleagues in the United States Senate, I offer heartfelt thanks to Gene for his

continuing commitment to helping others and a hearty congratulations to the 31 hardworking high school graduates.●

MARIA'S CHILDREN AND RUSSIAN ORPHANS

● Mr. DODD. Mr. President, I want to advise our colleagues and their staff, and their constituents visiting Washington, of an educational exhibit in the Russell Rotunda next week. The exhibit will include examples of colorful murals used by the volunteer group, Maria's Children, a Moscow-based arts rehabilitation center, as arts therapy and training for Russian orphans with learning difficulties. This therapy has produced encouraging results.

Maria's Children is a Moscow-based foundation, with U.S.-based Board members and volunteers, established to help children in Russian orphanages recognize their creative potential, thereby developing their talents and self-esteem so as to improve their chances of successful integration into Russian society. Created in 1993 by Maria Yeliseyeva, a local Moscow artist, and her friends, the project quickly found that through art, these orphans could come to express themselves in ways they had not known before, improving both their social and psychological development. Through a combination of arts therapy and exposure to normal family life, Maria's Children have literally given these children a second chance. The program has expanded over time and has started a summer art camp for orphans and is associated with Dr. Patch Adams annual clown tours of Moscow. The art work of the children has been featured in several Moscow exhibits and is helping to change Russian attitudes and views of what orphans are capable of achieving.

The exhibit will show in the Russell Rotunda from July 3-7. From there, it will move to the Russian Cultural Centre, here in Washington, and will be on display from July 8-21. The exhibit will also show across the United States throughout the summer, appearing in New York City at the National Art Club from July 28-August 6; at the Edina Southdale Court in Minneapolis from August 11-19; and at the Bumbershoot Festival in Seattle from September 1-4.

I invite our colleagues and their staff to visit this exhibit and learn about the important work that is being done by Maria and her colleagues to improve the opportunities for orphans in Russia.●

IN MEMORY OF MR. ARTHUR SALTZMAN

● Mr. ABRAHAM. Mr. President, I rise today in honor and in memory of a dear friend of mine, Mr. Arthur Saltzman, of Franklin, Michigan, who passed away on June 18, 2000, at the age of 79. Mr. Saltzman was not only a friend, but an inspiration—a man who

dedicated much of his life to improving the State of Michigan.

Born in New York City in 1920, Mr. Saltzman came to Michigan to work for Ford Motor Company, where he was in charge of training/management programs for salaried employees.

After Mr. Saltzman retired from Ford, he worked for the Greater Detroit Chamber of Commerce, was a consultant with the U.S. Department of Energy in Washington, DC, and was Director of the Michigan State University Advanced Management Program in Troy, Michigan. He also was Director of the Michigan Economic Opportunity Office and a member of the Oakland University Charter Board of Trustees.

Mr. Saltzman earned his Bachelor's, Master's and Doctoral degrees from New York University. During World War II, he was with the Army Specialized Training Program, serving in both the Philippines and Tokyo.

Surviving Mr. Saltzman are his wife, Florence, with whom he celebrated his 50th Anniversary on January 30, 1999; daughters Amie R. Saltzman and Sarah Saltzman; his sister, Doris Chartow of Syracuse, New York; grandchildren, Joshua and Joanna; five nephews and four nieces.

Mr. President, Arthur Saltzman was a leader in the Michigan Republican Party at both the State and County level. I had the privilege to work with him on many occasions, and I found it to be a wonderful experience each and every time. Arthur was a man who truly enjoyed life, and his love for living was infectious. I am sure that he will be deeply missed by everyone who knew him.●

CHILD HANDGUN INJURY PREVENTION ACT

● Mr. KERRY. Mr. President, yesterday I introduced legislation, along with my good friend from Ohio Senator DEWINE, that will set minimum standards for gun safety locks. There has been a lot of discussion swirling around the U.S. Congress and in State legislatures throughout the country about the use of handgun safety locks to prevent children from gaining access to dangerous weapons. In fact, just last week New York became the latest State to require that safety locks be sold with firearms. Seventeen states have Child Access Protection, or CAP laws in place, which permit prosecution of adults if their firearm is left unsecured and a child uses that firearm to harm themselves or others.

An important element that is largely missing from the debate over the voluntary or required use of gun safety locks is the quality and performance of these locks. Mr. President, a gun lock will only keep a gun out of a child's hands if the lock works. There are many cheap, flimsy locks on the market that are easily overcome by a child. In fact just last week in Dale City, VA there was an absolutely heart-wrenching accidental shooting of

a 10-year-old boy by his 13-year-old brother. The parents of these young boys purchased both a lock box and a trigger lock and I'm sure they assumed that they were safely storing their weapon.

But, as was reported in Saturday's Washington Post, the boys easily got past the flimsy lock box and then got around the lock. This incident ended in unspeakable, but all too common tragedy with the death of a 10-year-old boy at the hands of his brother.

Mr. President, the legislation Senator DEWINE and I introduced yesterday might have prevented the accidental shooting of that young boy last week. Our legislation gives authority to the Consumer Product Safety Commission to set minimum regulations for safety locks and to remove unsafe locks from the market. Our legislation empowers consumers by ensuring that they will only purchase high-quality lock boxes and trigger locks.

Storing firearms safely is an effective and inexpensive way to prevent the needless tragedies associated with unintentional firearm-related death and injury. And I am pleased that several states, including my home state of Massachusetts, have required the use of gun safety locks. Last July here in the U.S. Senate we passed an amendment that would require the use of gun safety locks.

So, while I am encouraged by this trend of increasing the use of gun safety locks, I am genuinely concerned that with the hundreds of different types of gun locks on the market today it is difficult—probably impossible—for consumers to be assured that the lock they are purchasing will be effective.

The latest data released by the Centers for Disease Control in 1999 revealed that accidental shootings accounted for 7 percent of child deaths and that more than 300 children died in gun accidents, almost one child every day. A study in the Archives of Pediatric and Adolescent Medicine found that 25 percent of 3- to 4-year-olds and 70 percent of 5- to 6-year-olds had sufficient finger strength to fire 59 (or 92 percent) of the 64 commonly available handguns examined in the study. Accidental shootings can be prevented by simple safety measures, one of which is the use of an effective gun safety lock.

As I have already mentioned, Mr. President, the use of gun safety locks is increasing in the United States. Despite the growing use of gun safety locks, such products are not subject to any minimal safety standards. Many currently available trigger locks, safety locks, lock boxes, and other similar devices are inadequate to prevent the accidental discharge of the firearms to which they are attached or to prevent access and accidental use by young children. Consumers do not have any objective criteria with which to judge the quality of gun safety locks.

My colleagues on both sides of the aisle should be able to support this amendment. The legislation does not

require the use of gun safety locks. It only requires that gun safety locks meet minimum standards. The legislation does not regulate handguns. It applies only to after-market, external gun locks.

The Senate has been gridlocked since last July over the issue of gun control. And you can be sure that young lives have been needlessly lost due to our inaction. This legislation—which I truly believe every Senator can support—would make storing a gun in the home safer by ensuring safety devices are effective. It would empower consumers. And most importantly it would protect children and decrease the numbers of accidental shooting in this country.

We simply cannot stand by any longer and watch our young children fall victim to accidental shootings. We cannot hear about tragedies like the one last week in Dale City, VA without responding. This legislation is a step in the right direction, one I believe every Senator should support. •

CAREY FAMILY REUNION

• Mr. BURNS. Mr. President, I rise today to acknowledge the achievement of the Carey Cattle Operation in Boulder, Montana.

In the late 1800's Bart Carey settled in the Boulder Valley. Two of his sons worked the mines and mills in Montana and Idaho hoping to stake their own ranches in the Valley.

Frank, the patriarch of the operation, followed the gold rush north to Alaska, enduring shipwreck and a winter living with an Eskimo family. After returning to the Valley he established a ranching legacy that endures to this day. Frank and his wife Mary Ellen have 12 children and 45 grandchildren.

Their legacy of cussed independence, integrity, and determination instilled in their children the qualities of hard work, responsibility and most importantly a deep abiding faith in God.

This attitude of responsibility fostered a deep sense of patriotism and resulted in their son, Martin B., answering his nation's call during World War II. He was joined by four sisters—Lillian, Agnes, Eleanor, and Josephine—who served as Navy nurses.

Service to our country, in spite of the demands of managing a thriving cattle operation, and the concessions that were available under such conditions saw their youngest son Tom, the current patriarch, answering the call during the Korean conflict.

As the only remaining son, Tom and his extraordinary wife Helen, carry on the tradition. Operating out of the main ranch they have endeavored to instill these same values in their children and grandchildren. In spite of the current condition of American agriculture they are making every effort to ensure that their children and the children of Tom's siblings have every opportunity to continue their ranching legacy.

As the Carey family gathers for a reunion this Fourth of July they will

find a base of operation being restored to its original state. They understand the importance of preserving history and their role in this dwindling aspect of the great American west.

I would like to extend my congratulations and sincere best wishes to the Carey family for high grass, plentiful water, and most importantly a fair market price for the fruits of their labor. •

RECOGNITION OF LOYAL CLARK AS NATIONAL FOREST SERVICE EMPLOYEE OF THE DECADE

• Mr. BENNETT. Mr. President, I rise today to recognize the accomplishments of Ms. Loyal Clark, Public Affairs Specialist and administrator of the Senior, Youth, and Volunteer Program in the Uinta National Forest located in my home state of Utah.

Ms. Clark has been instrumental in developing a model volunteer program that is clearly the largest in the nation, averaging 10,000 volunteers a year for the past decade. Ms. Clark has worked to ensure that the Uinta National Forest can accommodate and provide quality experiences for the numerous volunteer groups and individuals. When there have been more volunteers than available work, she has not turned them away, but has been able to direct their enthusiasm to adjacent forests and other state, county, and community projects. She is a key contact with the community, ensuring that volunteers know about opportunities and that they are matched with jobs they want to do.

Ms. Clark developed and presented a proposal to the forest supervisor to establish volunteer coordinators on each of the ranger districts in the forest. These coordinator positions have helped to provide the necessary staff for the Uinta to manage its huge volunteer program and to complete millions of dollars worth of vital project work, increasing the effectiveness of the Forest's budget by as much as twenty to thirty percent.

Ms. Clark has taken an active role to ensure various volunteers are recognized and rewarded. She has organized volunteer award ceremonies in the forest and actively ensures the nominations of volunteers for forest, regional, and national recognition. She is currently the team leader for the Uinta National Forest partnership team, which is active in pursuing new partnerships with the forest while also maintaining its current relationships.

She has not only made a difference in the Uinta National Forest, but has also visited many of the forest management teams throughout the Intermountain Region and shared her wealth of knowledge and experience in the management of effective volunteer programs.

Because of Ms. Clark's career-long commitment to working with volunteers, the United States Forest Service recently presented her with an award for being the National Forest Service

Employee of the Nineties. I congratulate Ms. Clark on her well-deserved award from the Forest Service.

In closing, I am pleased to recognize and thank Ms. Loyal Clark today for her sustained efforts to enlist and encourage citizens to take ownership in their national forests and communities through volunteering.●

TRIBUTE TO GARFIELD AND SUNNYSIDE ELEMENTARY SCHOOLS

● Mr. CRAPO. Mr. President, I rise today to commend two Idaho schools, Garfield Elementary School in Boise and Sunnyside Elementary School in Kellogg for their high standards and excellent teaching records.

Last month, these two schools were recognized by the U.S. Department of Education and the National Association of Title I Directors as Distinguished Title I Schools. These two elementary schools were among the ninety schools nationwide to be recognized for their efforts toward student achievement in schools that teach students from low-income households. Garfield Elementary and Sunnyside Elementary exemplify Idaho's high education standards and I am honored to congratulate these two schools for receiving this national award.

This national honor is especially impressive when one recognizes that more than fifty thousand schools across the country use Title I funds to boost the achievement levels of students from low-income households. The distinction of 2000 Distinguished Title I School is awarded to schools whose programs offer children from educationally disadvantaged communities access to effective academic lessons. Education is crucial to the well-being of these future adults because it is often their means of upward mobility. Improved education opportunities allows these children to become better citizens and achieve their education and career goals, including higher paying jobs, and a better quality of life.

Much of Sunnyside Elementary's success can be attributed to an active parent volunteer program. For example, while the school has only 300 students, approximately 124 parents volunteer their time at least once a year and forty-nine parents volunteer at the school on a regular basis. A web page, maintained by Principal Steve Shepperd and monthly school newsletters inform parents of school activities and highlight ways parents can get involved. The suggested tasks are often as simple as helping children with homework assignments.

Principal Shepperd says, "Just because sixty percent of the students we teach come from households that are at or near the poverty level, it doesn't mean that they cannot learn. We concentrate on setting high standards and we help the kids meet them by offering encouragement and extra assistance with their lessons." Principal Shepperd credits the dedicated teachers of Sun-

nyside Elementary for putting in extra time and for bringing so much of their energy into the classroom.

Garfield Elementary is noted for its tremendous community involvement. Student volunteers from Boise State University, most of them studying to be teachers, regularly tutor students after school. Garfield hosts an annual Career Day in which professionals from the community describe their careers and how they pursued them. The school also has a fifteen-member mentor program. Although none of the tutors have children of their own who attend Garfield, they come to the school frequently during lunchtime to read with children. This extensive community involvement is one of the reasons why the Iowa Test of Basic Skills for students at Garfield Elementary have risen as much as thirty points on a 100-point scale for some grades.

In addition to volunteering, parents at Garfield Elementary are encouraged by Principal Elaine Eichelberg to join one of the school's many committees. At the beginning of the year, each household receives a questionnaire that lists specific ways to help and asks parents to indicate their interest and availability. Principal Eichelberg says, "One of the best things parents can do to improve their child's education is to keep close tabs on their child's progress themselves and work with teachers when problems at school arise."

The national recognition that Sunnyside Elementary and Garfield Elementary have received reaffirms my belief that Idaho has some of the best teachers and administrators in the nation. Backed by strong involvement from parents and encouragement from the community, these elementary schools have demonstrated success in teacher training, utilized community resources, and established partnerships with parents.

There has been much debate about the success of the Title I program in the Elementary and Secondary Education Act. Schools like Garfield and Sunnyside show us that the programs implemented with the use of Title I funds do work. When we invest in quality education programs that focus on basic skills, such as reading and mathematics, our low-performing students will improve. The methods employed in Idaho serve as a reminder that community and parental support often make the biggest difference in elementary education.

I am very proud of the accomplishments of these two schools. Their steady focus on hard work has put their students on a path of continued academic success.●

IN MEMORY OF MRS. JACQUELYN STEWART

● Mr. ABRAHAM. Mr. President, I rise today in honor and in memory of a dear friend of mine, Mrs. Jacquelyn Stewart, who passed away on June 19

at the age of 59. Mrs. Stewart was not only a friend, but a truly special woman. She believed deeply in the ideals of the Republican Party, and worked extremely hard to fight for these ideals.

Mrs. Stewart was born in Detroit, Michigan. After attending Henry Ford Community College in Dearborn, Michigan, she attended the Oakland County Police Academy. She spent 15 years as an investigator with the Oakland County Prosecutor's Office.

On May 8, 1989, Mrs. Stewart was appointed to the Michigan Liquor Control Commission as an Administrative Commissioner. In 1997, Governor John Engler elevated her to position of Chairwoman of the Commission. For her work in that position, Mrs. Stewart is credited with restoring credibility to an agency that had fallen under controversy.

Mrs. Stewart also served the Oakland County Republican Party in many ways, most prominently as one of the top aides to former prosecutor and current County Executive, L. Brooks Patterson. In the mid-1980's, she led a petition drive that fell just short of placing a proposed restoration of the death penalty on the Michigan ballot.

Mrs. Stewart is survived by her husband, Mr. James Stewart, former longtime Huntington Woods Police Chief, as well as her sons, Chris and Timothy Boelter; daughter Elizabeth Rose; stepson James Stewart, and two brothers.

Mr. President, I consider it a privilege to have been able to know and work with Jackie Stewart. She was a woman of complete integrity, who fought for what she believed regardless of the odds against her. Her energy and boundless efforts were an inspiration to men and women throughout the State of Michigan, and I am sure she will be dearly missed by everyone who knew her.●

THE CHALLENGER LEARNING CENTER OF ALASKA

● Mr. MURKOWSKI. Mr. President, I rise to offer my congratulations to the Challenger Learning Center of Alaska, its Board of Directors, and staffers, on their Official Launch Ceremony on July 7, 2000.

The Challenger Learning Center of Alaska will be part of the national network of 50 Learning Centers operating in the United States, Canada, and England established in memory of the 1986 Challenger Space Shuttle crew. Located in Kenai, Alaska, the Challenger Learning Center of Alaska simulates space missions to give students the opportunity to explore the endless possibilities available in science and technology fields.

Mr. President, currently 40 percent of America's 4th graders read below the basic level on national reading tests. On international tests, the nation's twelfth graders rank last in Advanced Physics compared with students in 18 other countries. And one-third of all

incoming college freshmen must enroll in a remedial reading, writing, or mathematics class before taking regular courses. If we are going to turn these dismal statistics around this country needs an innovative approach to teaching. The Challenger Learning Center of Alaska is working towards ensuring that our elementary and secondary students of today are the best-educated and motivated college graduates of tomorrow.

The Challenger Learning Center programs will not only create an environment conducive to pursuing the sciences, they will also assist students in developing skills vital to every field. In the Alaska workplace of the 21st century, survival will depend on teamwork, problem solving, communication and decision-making. Like no other educational program, the Challenger Learning Center of Alaska will help all of Alaska's students develop these critical skills while providing the solid educational content that promotes science literacy.

Mr. President, educators continue to site education as the number one determinant in an individual's success. I believe that the Challenger Learning Center of Alaska will profoundly affect the future of Alaska. I commend the Challenger Learning Center staff, Board of Directors, NASA and statewide communities for their tireless efforts and dedication to our young Alaskans.●

MESSAGES FROM THE HOUSE

At 12:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 4680. An act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

H.R. 3240. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify certain responsibilities of the Food and Drug Administration with respect to the importation of drugs into the United States.

ENROLLED BILLS SIGNED

At 8:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

At 9:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to

the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3240. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify certain responsibilities of the Food and Drug Administration with respect to the importation of drugs into the United States; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on June 28, 2000, he had presented to the President of the United States the following enrolled bill:

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9482. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0070 Series Airplanes; request for comments; docket No. 99-NM-253 [5-12/5-22]" (RIN2120-AA64 (2000-0268)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9483. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Maule Aerospace Technology, Inc. M4, M5, M6, M7, MX7 and MXT7 Series Airplanes & Models MT7235 and M8235 Airplanes; request for comments; docket No. 2000-CE-04 [5-9/5-22]" (RIN2120-AA64 (2000-0269)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9484. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Unalaska, AK; docket No. 99-AAL-18 [4-24/5-22]" (RIN2120-AA66 (2000-0111)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9485. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Albion, NE; direct final rule, request for comments; docket No. 99-ACE-30 [5-5/5-22]"

(RIN2120-AA66 (2000-0112)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9486. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishing of Class E Airspace; Salem, MO; docket No. 00-ACE-6 [5-5/5-22]" (RIN2120-AA66 (2000-0113)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9487. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Cuba, MO; direct final rule, confirmation of effective date; docket no. 00-ACE-3 [5-2/5-22]" (RIN2120-AA66 (2000-0114)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9488. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marquette, MI; revocation of Class E Airspace; Sayer, MI and K.I. Sawyer, MI; new effective date; docket No. 99-AGL-42 [5-2/5-22]" (RIN2120-AA66 (2000-0116)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9489. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Visual Flight Rules; direct final rule; confirmation of effective date [5-19/5-22]" (RIN2120-AG94 (2000-0002)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9490. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Mitsubishi Heavy Industries, Ltd. MU-2B Series Airplanes; docket No. 97-CE-21 [5-15/5-18]" (RIN2120-AA64 (2000-0244)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9491. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211-535 Series; docket No. 2000-NE-04 [5-12/5-18]" (RIN2120-AA64 (2000-0245)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9492. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-200 Series Airplanes equipped with GE CF6-80C2 Series Engines; request for comments; docket No. 2000-NM-93 [5-4/5-18]" (RIN2120-AA64 (2000-0246)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9493. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes equipped with GE CF6-80C2 Series Engines; request for comments; docket No. 2000-NM-94 [5-4/5-18]" (RIN2120-AA64 (2000-0247)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9494. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Company CF6-6, CF6-45, and CF6-50 Series Turbofan Engines; docket No. 98-ANE-41 [4-24/5-

18]" (RIN2120-AA64 (2000-0256)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9495. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE CF6-80A, CF6-80C2, and CF6-80E1 Series Turbofan Engines; docket No. 98-ANE-49 [4-24/5-18]" (RIN2120-AA64 (2000-0257)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9496. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE E90 Series Turbofan Engines; docket No. 98-ANE-39 [4-24/5-18]" (RIN2120-AA64 (2000-0258)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9497. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; docket No. 99-NM-231 [5-1/5-18]" (RIN2120-AA64 (2000-0259)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9498. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 and 727C Series Airplanes; docket No. 98-NM-293 [5-1/5-18]" (RIN2120-AA64 (2000-0260)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9499. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, INC, Model 369D, 369E, 500N, and 600N Helicopters; request for comments; docket No. 2000-SW-02 [5-5/5-18]" (RIN2120-AA64 (2000-0263)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9500. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Allison Engine Company AE3007 Series Turbofan Engines; docket No. 99-NE-46 [5-5/5-18]" (RIN2120-AA64 (2000-0264)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9501. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Andres-Murphy, NC; correction; docket No. 00-ASO-4 [5-12/5-18]" (RIN2120-AA66 (2000-0110)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9502. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, -200, -300, 747SR, and 747 SP Series Airplanes; docket No. 97-NM-88 [5-26/6-1]" (RIN2120-AA64 (2000-0291)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9503. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: New

Piper Aircraft, Inc., Models PA46310P and PA46350P Airplanes; docket No. 99-CE-112 [5-25/6-1]" (RIN2120-AA64 (2000-0292)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9504. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737 Series Airplanes; docket No. 2000-NM-111 [5-26/6-1]" (RIN2120-AA64 (2000-0293)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9505. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes Equipped with P & W JT9D-70 Series Engines docket No. 99-NM-65 [5-26/6-1]" (RIN2120-AA64 (2000-0294)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9506. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Israel Aircraft Industries, LTD, model 1125 Westwind Astra and Astra SPX Series Airplanes; docket No. 99-NM-360 [5-26/6-1]" (RIN2120-AA64 (2000-0295)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9507. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket No. 99-NM-28 [5-26/6-1]" (RIN2120-AA64 (2000-0296)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320 Series Airplanes; docket No. 98-NM-99 [5-26/6-1]" (RIN2120-AA64 (2000-0297)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Industrie Model A300, A300-600, and A310 Series Airplanes; docket No. 99-NM-251 [5-26/6-1]" (RIN2120-AA64 (2000-0298)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SE3160, SA316B, SA316C, SA319B, SA330F, SA330G, SA330J, SA341G, and SA342J Helicopters; docket No. 99-SW-04 [5-25/6-1]" (RIN2120-AA64 (2000-0299)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Salisbury, MD; docket No. 99-AEA-07 [5-25/6-1]" (RIN2120-AA66 (2000-0125)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; Alexandria England AFB, LA; Revocation of Class D Airspace; Alexandria Esler Reg Airport, LA; and Revision of Class E Airspace, Alexandria, LA; docket No. 2000-ASW-10 [5-26/6-1]" (RIN2120-AA66 (2000-0126)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E; Waco, TX; docket No. 2000-ASW-08 [5-25/6-1]" (RIN2120-AA66 (2000-0127)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Fort Stockton, TX; docket No. 2000-ASW-09 [5-25/6-1]" (RIN2120-AA66 (2000-0128)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Englewood, CO; docket No. 00-ANM-01 [5-25/6-1]" (RIN2120-AA66 (2000-0129)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9516. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Changes to the International Aviation Safety Assessment (IASA); Policy Statement; 14 CFR Part 129 [5-25/6-1]" (RIN2120-ZZ66 (2000-0129)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9517. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Parks Air Tour Management; Notice of Statutory Requirement 14 CFR Part 91 [5-26/6-1]" (RIN2120-ZZ27 (2000-0129)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9518. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Commander Aircraft Company Model 114TC Airplanes; docket no. 99-CE-81 [6-1/6-8]" (RIN2120-AA64 (2000-0301)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9519. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (60); No. 1991; [5-19/6-8]" (RIN2120-AA65 (2000-0029)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9520. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Willits, CA; docket no. 00-AWP-1 [5-26/8-10]" (RIN2120-AA66 (2000-0131)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9521. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Type of Certification Procedures for Changed Products; request for comments; docket no. 28903 [6/7-6/8]" (RIN2120-AF68) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9522. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fees for FAA Services for Certain Flights; interim final rule with request for comments; notice of public meeting; docket no. FAA-00-7018;" (RIN2120-AG17 (2000-0001)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9523. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Smoking on Scheduled Passenger Flights; Docket No. FAA-2000-7467 [6/9-6/8]" (RIN2120-AH04) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9524. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332L2 Helicopters; docket no. 99-SW82 [6-14/6-15]" (RIN2120-AA64 (2000-0320)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9525. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE CF6-45/50 Series Turbofan Engines; docket no. 98-ANE-32 [6-13/6-15]" (RIN2120-AA64 (2000-0321)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9526. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International CFM56-2, 2A, 2B, 3, 3B, 3, 3C, 5, 5B, 5C, and 7B Series Turbofan Engines; docket no. 98-ANE-38 [6-13/6-15]" (RIN2120-AA64 (2000-0322)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9527. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Bae Model ATP Airplanes; docket no. 99-NM-230 [6-13/6-15]" (RIN2120-AA64 (2000-0323)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9528. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: bombardier Model DHC-8-100 and 300 Series Airplanes; docket no. 98-NM-380 [6-13/6-15]" (RIN2120-AA64 (2000-0324)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9529. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-400 and 747-200 and 300 Series Airplanes powered by P & W Model PW4000 Series Engines; docket no. 99-NM-208 [6-13/6-15]" (RIN2120-AA64 (2000-0325)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9530. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200 and 300 Series Airplanes; docket no. 98-NM-313 [6-13/6-15]" (RIN2120-AA64 (2000-0326)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9531. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; docket no. 2000-NM-138 [6-13/6-15]" (RIN2120-AA64 (2000-0327)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9532. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320-232 and 233 Series Airplanes; docket no. 2000-NM-22 [6-13/6-15]" (RIN2120-AA64 (2000-0328)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9533. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A310 and A300-600 Series Airplanes; docket no. 99-NM-128 [6-13/6-15]" (RIN2120-AA64 (2000-0329)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9534. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320 and A321 Series Airplanes; docket no. 2000-NM-139" (RIN2120-AA64 (2000-0330)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9535. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes; docket no. 2000-NM-53 [6-13/6-15]" (RIN2120-AA64 (2000-0331)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9536. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket no. 99-NM-331 [6-13/6-15]" (RIN2120-AA64 (2000-0332)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9537. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: International Aero Engines AG V2500-A1/-A5/-D5 series Turbofan Engines; docket no. 99-ANE-45 [6-12/6-15]" (RIN2120-AA64 (2000-0333)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9538. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (43); Amdt. No. 1996 [6-14/6-15]" (RIN2120-AA65 (2000-0033)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9539. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (30); Amdt. No. 1995 [6-14/6-15]" (RIN2120-AA65 (2000-0034)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9540. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Jackson, WY, Establishment of effective date; docket no. 99-ANM-11 [5-22/6/15]" (RIN2120-AA66 (2000-0123)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9541. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Revocation of VOR and Colored Federal Airways and Jet Routes; AK; docket No. 98-AAL-26 [6-6/6-15]" (RIN2120-AA66 (2000-0135)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9542. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Orange City, IA; Correction; docket No. 00-ACE-9 [6-9/6-15]" (RIN2120-AA66 (2000-0136)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9543. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Yukon-Kuskokwim Delta, Alaska; docket No. 99-AAL-24 [6-13/6-15]" (RIN2120-AA66 (2000-0137)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9544. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Time of Designation for Restricted Area R-7104, Vieques Island, PR; docket No. 00-ASO-8 [6-13/6-15]" (RIN2120-AA66 (2000-0138)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9545. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Correction to Class E Airspace; Unalaska, AK; docket No. 99-AAL-18 [6-14/6-15]" (RIN2120-AA66 (2000-0139)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9546. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Jet Route; TX; docket No. 99-ASW-33 [6-14/6-15]" (RIN2120-AA66 (2000-0140)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9547. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Models PC-12 and PC12/45; docket No. 99-CE-36 [6-2/6-12]" (RIN2120-AA64 (2000-0302)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9548. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Airworthiness Directives: Air Tractor Incorporated Model AT-301, AT-401, and AT-501 Airplanes; docket No. 2000-CE-21 [6-2/6-12]" (RIN2120-AA64 (2000-0303)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9549. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. ALF502R and LF507; docket No. 99-NE-36 [6-5/6-12]" (RIN2120-AA64 (2000-0304)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9550. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777-200 Series Airplanes; docket No. 99-NM-307 [6-5/6-12]" (RIN2120-AA64 (2000-0305)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9551. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA 365N1, AS 365N2, and SA 366G1 Helicopters; docket No. 99-SW-45 [6-7/6-12]" (RIN2120-AA64 (2000-0306)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9552. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Ayres Corp S2R Series and Model 600 S2D Airplanes; docket No. 98-CE-56 [6-7/6-12]" (RIN2120-AA64 (2000-0308)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9553. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L 1011 385 Series Airplanes; docket no. 98-NM-311 [6-7/6-12]" (RIN2120-AA64 (2000-0309)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9554. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Allison Engine Company AE3007A and AE 3007C Series Turbofan Engines; docket no. 99-NE-07 [6-8/6-12]" (RIN2120-AA64 (2000-0310)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9555. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket no. 99-NM-343 [6-1/6-12]" (RIN2120-AA64 (2000-0311)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9556. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 and 767 Series Airplanes Powered by GE Model CF6 80C2 Series Engines; docket no. 99-NM-228 [6-1/6-12]" (RIN2120-AA64 (2000-0312)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9557. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 200, 300, and 400 Series Airplanes; docket no. 99-NM-30 [6-1/6-12]" (RIN2120-AA64 (2000-0313)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9558. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; docket no. 98-NM-316 [6-1/6-12]" (RIN2120-AA64 (2000-0314)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9559. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Falcon 2000, Mystere-Falcon 900, Falcon 900EX, Fan Jet Falcon, Mystere-Falcon 50, Mystere-Falcon 20, and Mystere-Falcon 200 Series Airplanes; docket no. 2000-NM-109 [6-1/6-12]" (RIN2120-AA64 (2000-0315)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9560. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA-365C, C1, C2, N, and N1; AS 365N2 and N3; and SA366G1 Helicopters; docket no. 99-SW-62 [6-1/6-12]" (RIN2120-AA64 (2000-0316)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9561. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F28, Mark 1000, 2000, 3000, and 4000 Series Airplanes; docket no. 99-NM-358 [6-6/6-12]" (RIN2120-AA64 (2000-0317)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9562. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc Rb211 Series Turbofan Engines; docket n. 94-ANE-16 [6-6/6-12]" (RIN2120-AA64 (2000-0318)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9563. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (49); Amdt. 1994 [6-2/6-12]" (RIN2120-AA65 (2000-0030)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9564. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (72); Amdt. 1993 [6-2/6-12]" (RIN2120-AA65 (2000-0031)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9565. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Changing Using Agency for Restricted Area R2602 Colorado Springs, CO;

docket no. 99-ANM-06 [6-2/6-12]" (RIN2120-AA65 (2000-0132)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9566. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment and Establishment of VOR Federal Airways, KY and TN; Docket no. 97-ASO-18 [6-2/6-12]" (RIN2120-AA65 (2000-0133)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9567. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the San Francisco Class B Airspace Area; CA; docket no. 97-AWA-1 [6-7/6-12]" (RIN2120-AA66 (2000-0134)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9568. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (34); Amdt. no. 422 [5-9/5-25]" (RIN2120-AA63 (2000-0003)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9569. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-400 Series Airplanes; docket no. 2000-NM-75 [5-24/5-25]" (RIN2120-AA64 (2000-0270)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9570. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, B2, A300B2K, A300 B4-2C, A300 Br-100, and A300 B4-200 Series Airplanes; docket no. 98-NM-56 [5-24/5-25]" (RIN2120-AA64 (2000-0271)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9571. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350B, BA, B1, B2, and D and Model AS355E, F, F1, F2, and N Helicopters; Docket no. 99-SW-39 [5-22/5-25]" (RIN2120-AA64 (2000-0273)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9572. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350B, BA, B1, B2, B3, and AS355E, F, F1, F2, and N Helicopters; docket no. 99-SW-36 [5-22/5-25]" (RIN2120-AA64 (2000-0274)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9573. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canda Model 222, 222B, 222U, and 230 Helicopters; docket no. 99-SW-43 [5-22/5-25]" (RIN2120-AA64 (2000-0275)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9574. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Airworthiness Directives: Israel Aircraft Industries Ltd Model 1124 and 1124A Westwind Airplanes; docket no. 2000-NM-42 [5-22/5-25]" (RIN2120-AA64 (2000-0276)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9575. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G-159 Series Airplanes; docket no. 99-NM-138 [5-22/5-25]" (RIN2120-AA64 (2000-0277)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9576. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters Inc Model MD900 Helicopters; docket no. 2000-SW-04 [5-17/5-25]" (RIN2120-AA64 (2000-0278)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9577. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10 Series Airplanes; docket no. 99-NM-213 [5-17/5-25]" (RIN2120-AA64 (2000-0279)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9578. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA365N1, AS365N2, and SA366G1 Helicopters; docket no. 99-SW-34 [5-17/5-25]" (RIN2120-AA64 (2000-0280)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9579. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland CmbH Model EC 135 Helicopters; docket no. 99-SW-05 [5-17/5-25]" (RIN2120-AA64 (2000-0281)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9580. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L-1011 385 Airplanes; docket no. 99-NM-221 [5-12/5-25]" (RIN2120-AA64 (2000-0282)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9581. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300-600 Series Airplanes; docket no. 99-NM-362 [5-12/5-25]" (RIN2120-AA64 (2000-0283)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9582. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, -200, 747Sp, & 747SR Series Airplanes Equipped with Pratt & Whitney JT9D-7, -7A, -7F, and -7J Series Engines; docket no. 99-NM-242 [5-12/5-25]" (RIN2120-AA64 (2000-0284)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9583. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: EMBRAER Model EMB-145 Series Airplanes; docket no. 99-NM-305 [5-12/5-25]" (RIN2120-AA64 (2000-0285)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9584. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10-10, -15, -30, -30F, and -40 Series Airplanes and KC-10A Airplanes; docket no. 99-NM-212 [5-12/5-25]" (RIN2120-AA64 (2000-0286)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9585. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon (Beech) Model 400A and 400T Series Airplanes; docket no. 99-NM-372 [5-12/5-25]" (RIN2120-AA64 (2000-0287)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9586. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, A321, A330, and A340 Series Airplanes; docket no. 99-NM-103 [5-15/5-25]" (RIN2120-AA64 (2000-0288)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9587. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Jetstream Model 3201 Airplanes; docket no. 99-CE-72 [5-15/5-25]" (RIN2120-AA64 (2000-0289)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9588. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace for Rapid City, SD; Rapid City Ellsworth AFB, SD; and Modification of Class E Airspace; Rapid City, SD; docket no. 00-AGL-03 [5-15/5-25]" (RIN2120-AA66 (2000-0118)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9589. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Yankton, SD; docket No. 98-AGL-78 [5-15/5-25]" (RIN2120-AA66 (2000-0119)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9590. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Ely, MN; docket No. 00-AGL-04 [5-25/5-15]" (RIN2120-AA66 (2000-0120)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9591. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Establishment of Class D & E Airspace; Belleville, IL; docket No. 00-AGL-01 [5-15/5-25]" (RIN2120-AA66 (2000-0121)) received on May 25, 2000; to the

Committee on Commerce, Science, and Transportation.

EC-9592. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Hampton, IA, direct final rule, request for comments; docket No. 00-ACE-7 [5-23/5-15]" (RIN2120-AA66 (2000-0122)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9593. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Jackson WY, delay of effective date; docket No. 99-ANM-11 [5-22/5-25]" (RIN2120-AA66 (2000-0123)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9594. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Passenger Facility Charges; Docket No. FAA-2000-7402 [5-30/5-25]" (RIN2120-AH05) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9595. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA-365N, AS-365N1, AS-365N2 and AS-365N3 Helicopters; docket No. 99-SW-86 [5-22/5-25]" (RIN2120-AA64 (2000-0272)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, with amendments:

S. 2507: An original bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 106-325).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 869: A bill for the relief of Mina Vahedi Notash.

S. 2413: A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. DODD, Mrs. FEINSTEIN, Mr. DEWINE, Mr. KOHL, Mr. FEINGOLD, and Mr. KENNEDY):

S. 2812. A bill to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 2813. A bill to provide for a land exchange to fulfill the Federal obligation to

the State of Arizona under the State's enabling act, and to use certain Federal land in Arizona to acquire by eminent domain State trust land located adjacent to Federal land for the purpose of improving public land management, enhancing the conservation of unique natural areas, and fulfilling the purposes for which State trust land is set aside, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL:

S. 2814. A bill to amend title XI of the Social Security Act to direct the Commissioner of Social Security to conduct outreach efforts to increase awareness of the availability of medicare cost-sharing assistance to eligible low-income medicare beneficiaries; to the Committee on Finance.

By Mr. CLELAND (for himself and Ms. SNOWE):

S. 2815. A bill to provide for the nationwide designation of 2-1-1 as a toll-free telephone number for access to information and referrals on human services, to encourage the deployment of the toll-free telephone number, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself, Mr. AKAKA, Mr. L. CHAFEE, and Mr. MCCAIN):

S. 2816. A bill to provide the financial mechanisms, resource protections, and professional skills necessary for high quality stewardship of the National Park System, to commemorate the heritage of people of the United States to invest in the legacy of the National Park System, and to recognize the importance of high quality outdoor recreational opportunities on federally managed land; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself and Mr. GORTON):

S. 2817. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to establish permanent recreation fee authority; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON:

S. 2818. A bill to amend the Agricultural Market Transition Act to establish a flexible fallow program under which a producer may idle a portion of the total planted acreage of the loan commodities of the producer in exchange for higher loan rates for marketing assistance loans on the remaining acreage of the producer; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for himself and Mr. JEFFORDS):

S. 2819. To provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOLLINGS (by request):

S. 2820. A bill to provide for a public interest determination by the Consumer Product Safety Commission with respect to repair, replacement, or refund actions, and to revise the civil and criminal penalties, under both the Consumer Product Safety Act and the Federal Hazardous Substances Act; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 2821. A bill to amend chapter 84 of title 5, United States Code, to make certain temporary Federal service performed for the Federal Deposit Insurance Corporation creditable for retirement purposes; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN:

S. 2822. A bill for the relief of Denes and Gyorgyi Fulop; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. DEWINE, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. DODD, Mr. COVERDELL, and Mr. BIDEN):

S. 2823. A bill to amend the Andean Trade Preference Act to grant certain benefits with respect to textile and apparel, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. JOHNSON, Mr. WARNER, Mr. KERREY, Mr. HAGEL, Mrs. MURRAY, Mr. MCCAIN, Mr. ROBB, Ms. SNOWE, Mr. BIDEN, Mr. BURNS, Mr. GRAHAM, Mr. HELMS, Mr. EDWARDS, Mr. THURMOND, Mr. KOHL, Mr. DOMENICI, Mr. DURBIN, Mr. MACK, Mr. TORRICELLI, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. SHELBY, Mrs. LINCOLN, Mr. GRASSLEY, Mr. REED, Mr. ALLARD, Mr. KERRY, Mr. INHOFE, Mr. LAUTENBERG, Mr. HATCH, Mrs. BOXER, Mr. BENNETT, Mr. LEVIN, Mr. JEFFORDS, Mr. BAUCUS, Mr. L. CHAFEE, Mr. REID, Mr. SMITH of New Hampshire, Mr. DASCHLE, Mr. COVERDELL, Mr. BYRD, Mr. CRAIG, Mr. WELLSTONE, Mr. ABRAHAM, Mr. FEINGOLD, Mrs. HUTCHISON, Mr. SCHUMER, Mr. CAMPBELL, Mr. DORGAN, Mr. COCHRAN, Mr. CONRAD, Ms. COLLINS, Mr. HOLLINGS, Mr. KYL, Mr. ROCKEFELLER, Mr. FRIST, Ms. MIKULSKI, Mr. SANTORUM, Mrs. FEINSTEIN, Mr. AKAKA, Mr. BAYH, Mr. LIEBERMAN, Mr. BRYAN, Mr. LEAHY, Mr. BINGAMAN, and Mr. WYDEN):

S. 2824. A bill to authorize the President to award a gold medal on behalf of Congress to General Wesley K. Clark, United States Army, in recognition of his outstanding leadership and service during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro); to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER (for himself, Mr. JEFFORDS, and Mr. BREAU):

S. 2825. A bill to strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. ROCKEFELLER):

S. 2826. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the medicare program; to the Committee on Finance.

By Mr. ALLARD:

S. 2827. A bill to provide for the conveyance of the Department of Veterans Affairs Medical Center at Ft. Lyon, Colorado, to the State of Colorado, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. SHELBY, Mr. BAUCUS, Mr. THOMAS, and Mr. COCHRAN):

S. 2828. A bill to amend title XVIII of the Social Security Act to require that the Secretary of Health and Human Services wage adjust the actual, rather than the estimated, proportion of a hospital's costs that are attributable to wages and wage-related costs; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. GREGG, Mr. GORTON, Mr. COVERDELL, and Mr. INHOFE):

S. 2829. A bill to provide of an investigation and audit at the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 2830. A bill to preclude the admissibility of certain confessions in criminal cases; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 2831. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve conservation and management of sharks and establish a consistent na-

tional policy toward the practice of shark-finning; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 2832. A bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 2833. A bill to amend the Federal Election Campaign Act of 1971 to improve the enforcement capabilities of the Federal Election Commission, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE:

S. Res. 330. A resolution designating the week beginning September 24, 2000, as "National Amputee Awareness Week"; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 331. A resolution to authorize testimony, document production, and legal representation in United States v. Ellen Rose Hart; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. DODD, Mrs. FEINSTEIN, Mr. DEWINE, Mr. KOHL, Mr. FEINGOLD, and Mr. KENNEDY):

S. 2812. A bill to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities; to the Committee on the Judiciary.

WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES

● Mr. HATCH. Mr. President, I rise today with my colleagues, Senator CHRISTOPHER DODD and others, to introduce a simple but highly significant bill which will confer the treasured status of American citizenship on individuals with disabilities.

Under current law, the Attorney General possesses the authority to waive certain requirements of naturalization, such as the English and civics test requirements, for disabled applicants. The law, however, has been construed to stop short of granting the Attorney General authority to waive the requirement for the oath of renunciation and allegiance for disabled adult applicants.

Consequently, even though such persons are able to fulfill all other requirements of naturalization, or it is clear that the Attorney General can waive them, certain individuals with disabilities may never become citizens.

This is the sad situation that a young man from my home state of Utah is facing. Gustavo Galvez Letona, a 27 year-old immigrant from Guatemala, suffers from Down's syndrome. Mr. Letona's entire family are already

American citizens. But, while Mr. Letona is otherwise able to become a citizen, despite his developmental disability, the fact that the Attorney General's authority to waive the oath is unclear will prevent Mr. Letona from enjoying the same status as a naturalized American citizen.

Imagine a family in which mother, father, brothers and sisters could become U.S. citizens, but one sibling could not only because of a disability. I believe all my colleagues would agree that this would be a sad and tragic situation. It is discriminatory to boot.

This bill would not affect a large number of people. A recent estimate was that only about 1100 individuals with disabilities would possibly be eligible for such a waiver. Moreover, I used the word "possibly" because the waiver would not be automatic. The waiver would be granted at the discretion of the Attorney General and is not intended to confer citizenship on individuals—regardless of a disability—who would not otherwise qualify for citizenship. It would not apply to every individual with a disability, most of whom would not need such a waiver.

Today's legislation remedies this unfortunate scenario facing Gustavo Letona by extending the Attorney General's authority to waive the taking of the oath if the applicant is unable to understand or communicate an understanding of the oath because of disability. This simple solution allows Mr. Letona and others the privilege of becoming American citizens.

I would like to express my gratitude to Senator DODD for his willingness to make this a bipartisan effort. I would also like to thank my Utah Advisory Committee on Disability Policy, and particularly Ron Gardner, who brought this problem to my attention and who works tirelessly to protect the rights of the disabled.

I ask unanimous consent that the text of the bill be placed in the RECORD following my remarks.

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

S. 2812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

(a) IN GENERAL.—The last sentence of section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended to read as follows: "The Attorney General may waive the taking of the oath if in the opinion of the Attorney General the applicant for naturalization is an individual with a disability, or a child, who is unable to understand or communicate an understanding of the meaning of the oath. If the Attorney General waives the oath for such an individual, the individual shall be considered to have met the requirements of section 316(a)(3) as to attachment to the Constitution and well disposition to the United States."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to indi-

viduals who applied for naturalization before, on, or after the date of enactment of this Act.●

Mr. DODD. Mr. President, I rise with Senator HATCH, Senator FEINGOLD, Senator KENNEDY, Senator DEWINE, Senator FEINSTEIN, and Senator KOHL to introduce a bill to resolve a rare but serious problem for some American families.

I want to tell you a story about a young man named Mathieu, a resident of Connecticut. Mathieu's family—his mother, his father, and his sister—have all become naturalized U.S. citizens. But Mathieu has not been allowed to become a citizen because he's a 23-year-old low-functioning autistic man who cannot meet a very technical requirement of the naturalization process, namely that he be able to swear an oath of loyalty to the United States. His naturalization request has been in limbo since November of 1996 because Mathieu could not understand some of the questions he was asked by the INS agent processing his application for citizenship. All of the other members of Mathieu's family have become U.S. citizens. Now Mathieu's mother lives with the fear that when she dies her most vulnerable child could be removed from the country and sent to a nation that he hardly knows, and where he has no family and no friends. Mathieu's mother—again, an American citizen—wants what every American wants—she wants to know that her child will be treated fairly by her government even when she's no longer capable of taking care of him herself. Mathieu's life is here. His friends and caregivers are here. His family is here. Mathieu's place is here and but for his disability, he would be allowed to stay here where he belongs. He would be allowed to become a citizen and his mother's fears would be relieved. Mr. President, this is a problem that a compassionate nation can fix. This is a problem that we have the power to solve.

Under current law, a very small subgroup of people with severe mental disabilities cannot become citizens because they lack the capacity to take the oath of renunciation and allegiance. Since the Immigration and Nationality Act (INA) does not contain explicit statutory authority for the Immigration and Naturalization Service (INS) to waive the oath, people with brain injuries and other mental disabilities are routinely denied citizenship—even when the rest of their families are already U.S. citizens.

Congress has previously recognized the injustice of denying citizenship to individuals based on their disabilities and has attempted to resolve the problem. In fact, in 1991 Congress created a procedure for expedited administration of the oath for applicants who have special circumstances, including disabilities, that prevent them from personally appearing at a scheduled ceremony. And in 1994, Congress exempted certain applicants with disabilities who

are unable to learn from taking the English and civics tests. Unfortunately, these efforts have not effectively addressed the problem of individuals who are unable to take the oath because of mental incapacity, leaving the oath as the only barrier to citizenship for such individuals.

The legislation we introduce today would amend the Immigration and Nationality Act to give the INS the discretion to waive the oath of allegiance for certain individuals who lack the mental capacity to comprehend the oath.

Waiving the oath is really a technical amendment. There is no indication that Congress ever intended to split up families or cast doubt on the futures of family members not able to utter the oath by virtue of a mental disability.

Waiving the oath does not defeat the purpose of Naturalization or the oath requirement. Individuals with disabilities who receive oath waivers would still have to fulfill the other requirements of naturalization, including good moral character and residency. Remember the main purpose of the oath requirement is to prevent the naturalization of people who are hostile to the government of the United States, or the principles of the Constitution. People with severe disabilities who lack the capacity to understand the oath cannot form the intent to act against the government. Waiving the oath poses no danger and manifests America's best, most compassionate characteristics.

Let me conclude by saying that this is not a problem that faces millions of people—or even many thousands of people, but it is an important issue for the few families that are affected. Mr. President the United States should not force the break up of families. This bill will right an injustice and I urge its passage.

By Mr. MCCAIN:

S. 2813. A bill to provide for a land exchange to fulfill the Federal obligation to the State of Arizona under the State's enabling act, and to use certain Federal land in Arizona to acquire by eminent domain State trust land located adjacent to Federal land for the purpose of improving public land management, enhancing the conservation of unique natural areas, and fulfilling the purposes for which State trust land is set aside, and for other purposes; to the Committee on Energy and Natural Resources.

THE ARIZONA LAND EXCHANGE FACILITATION
ACT OF 2000

Mr. MCCAIN. Mr. President, I rise to introduce legislation that authorizes the Secretary of the U.S. Department of Interior and the Governor of Arizona to carry out a federal-state land exchange in order to protect environmentally significant lands in the state and enhance the state education trust fund to benefit Arizona's schoolchildren.

I must first make mention that Interior Secretary Bruce Babbitt and Governor Jane Hull of Arizona are currently involved in negotiating a comprehensive state-federal land exchange agreement. The Secretary and the Governor have been engaged in land exchange negotiations since January of this year, which so far have been very productive and positive. If their negotiations are successful and a land trade is agreed upon, legislation will be necessary to authorize that exchange.

To express my strong support for a potential exchange, I am introducing this bill as a place holder for the necessary authorization to implement any agreement for a land exchange. This legislation is in no way intended to override or influence ongoing negotiations, nor do I intend to force either party to accept a proposal that is not in their best interests.

The purpose of this legislation is two-fold. One, it is simply a framework for a future agreement. It is intended to facilitate discussion to define the necessary legislative authority to implement a state-federal land exchange in Arizona. If the details of a land exchange are agreed upon between the Secretary and the Governor, those specifics can be incorporated into this legislation.

The second purpose is to define the necessary legislative language that will accommodate existing Arizona Constitutional and Arizona Enabling Act restrictions that require state trust lands to be managed for the benefit of education and other public purposes. In addition, the bill recognizes the important goal of resolving the federal government's land "debt" to Arizona as a result of not receiving the state's full allotment at statehood. This legislation proposes to use federal friendly-condemnation authority to effect other aspects of a comprehensive exchange to address the current Arizona constitutional restriction on land trades.

In recent years, the people of Arizona have embraced the idea of promoting conservation as part of the state's land management objectives. Through public referenda and other proposals, the people of Arizona have strongly supported the concept of a state-wide effort to conserve unique natural areas. The federal-state land exchange currently under discussion could ensure that ecologically important state lands are placed under permanent conservation protection as part of an existing federal land management unit. In return, the state would receive parcels currently owned by the federal government that may be more suitable for revenue-generating activity in keeping with the requirements of state law. Such an exchange could accomplish both state conservation and education goals. The opportunity to explore and effect a means of serving these two important purposes should not be missed.

In the past, some of my colleagues and I have evaluated different options

to reduce the number of state inholdings on federal property and vice-versa—a situation that complicates resource management and does not serve the public interest. This legislation could be an important step forward in reducing state inholdings in federal land management areas which makes good environmental, economic and administrative sense.

Mr. President, let me make very clear once again, this legislation is a starting point only. It does not represent by any means an endorsement of any particular lands for exchange that are currently under negotiation. Nor is it my intention to fast-track any proposal that does not abide by a fair and strict appraisal process. It is intended to encourage the Secretary and the Governor to forward a serious proposal to the Congress for consideration. Once a proposal is forwarded, I have every intention to consult with affected entities and engage in a thorough process of public input from local citizenry, governments and other interested parties.

I also recognize that such land exchanges do take time and it is very possible that a land exchange proposal may not be finalized this year. My colleagues from Arizona recall as well as I do that it took three years to negotiate and enact the Arizona Desert Wilderness Act of 1990 to preserve over two million acres as designated wilderness. We never would have accomplished that feat without the front-line leadership and vision of Mo Udall who initiated the process by offering a legislative framework. I believe that this opportunity is one that Mo would have supported. I hope that my colleagues and friends in Arizona will agree and that we can all work together on a comprehensive land exchange proposal that will accomplish educational and environmental objectives.

Mr. President, I ask unanimous consent to include the full text of the bill in the RECORD.

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

S. 2813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona Land Exchange Facilitation Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) when the State of Arizona entered the Union, the State was granted more than 9,000,000 acres of State trust land to be held in permanent trust to be managed on behalf of the beneficiaries of the trust, primarily Arizona's schoolchildren;

(2) the State is entitled to select additional land of a value that is approximately equal to the value of 15,234 acres of in lieu base land from vacant, unappropriated, and unreserved Federal land to fulfill the entitlement arising from the Act of June 20, 1910 (36 Stat. 557, chapter 310), and the consent judgment known as the "San Carlos Consent Judgment" entered in *State of Arizona v. Rogers C.B. Morton*, Court Document 74-696-PHX-WPC (D. Ariz. (1978));

(3) while the State has recognized that certain State trust land is of unique and significant value and ought to be conserved as open space to benefit future generations, while ensuring that there is a higher benefit to public schools and other trust beneficiaries, there is no mechanism currently available to the State to conserve such unique State trust land; and

(4) an exchange of certain Federal and State land in Arizona will provide for improved land management by the Federal and State governments by exchanging certain State trust land that is of significant ecological value for permanent protection for certain Federal land that is suitable for the revenue generation mission of the State and other purposes identified by the State on behalf of its beneficiaries.

(b) PURPOSES.—The purposes of this Act are to improve manageability of Federal public land and State trust land in the State, to promote the conservation of unique natural areas, and to fulfill obligations to the beneficiaries of State trust land by providing for a land conveyance and a land exchange between the Federal and State governments under which—

(1) the Secretary of the Interior shall identify a pool of parcels of land that are vacant, unappropriated, unreserved, and suitable for disposal, so that the State may select Federal land that the Secretary shall convey to the State to fulfill the State's entitlement under the State's enabling act; and

(2) the Secretary shall acquire certain State trust land in the State by eminent domain, with the consent of the State, in exchange for certain Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) IN LIEU BASE LAND.—The term "in lieu base land" means land granted to the State under section 25 of the Act of June 20, 1910 (36 Stat. 573).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Arizona.

(4) STATE TRUST LAND.—The term "State trust land" means all right, title, and interest of the State on the date of enactment of this Act in and to—

(A) land (including the mineral estate) granted by the United States under sections 24 and 25 of the Act of June 20, 1910 (36 Stat. 572, 573, chapter 310); and

(B) land (including the mineral estate) owned by the State on the date of enactment of this Act that, under State law, is required to be managed for the benefit of the public school system or the institutions of the State designated under that Act.

SEC. 4. FULFILLMENT OF ENTITLEMENT UNDER THE ENABLING ACT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall identify land under the jurisdiction of the Secretary that—

(1) is vacant, unappropriated, and unreserved; and

(2) is suitable for disposal under land management plans in effect on the date of enactment of this Act.

(b) SELECTION.—Not later than 120 days after the date of enactment of this Act, the State shall select land, identified by the Secretary under subsection (a), of approximately equal value (determined in accordance with section 6) to the 15,234 acres of in lieu base land identified as base land depicted on the map entitled "Arizona State Trust Base Lands Not Compensated by the Federal Government" and dated _____.

(c) CONVEYANCE.—On final agreement between the Secretary and the State under section 7(a), the Secretary shall convey to the

State the land selected by the State under subsection (b).

SEC. 5. LAND EXCHANGE.

(a) CONVEYANCE BY THE SECRETARY OF FEDERAL LAND.—

(1) IN GENERAL.—In exchange for the State trust land acquired by the Secretary under subsection (b), the Secretary shall convey to the State Federal land described in paragraph (2) that is of a value that is approximately equal to the value of the acquired State trust land, as determined under section 6.

(2) FEDERAL LAND.—The Federal land referred to in paragraph (1) is land under the jurisdiction of the Secretary and in the State that the Secretary determines is available for exchange under this Act.

(b) ACQUISITION BY THE SECRETARY OF STATE TRUST LAND.—

(1) IN GENERAL.—The Secretary shall—

(A) on final agreement between the Secretary and the State under section 7(a), acquire by eminent domain the State designated trust land described in paragraph (2); and

(B) manage the land in accordance with paragraph (3).

(2) STATE TRUST LAND.—The State trust land referred to in paragraph (1) is land under the jurisdiction of the State that the State determines is available for exchange under this Act.

(3) MANAGEMENT OF LAND ACQUIRED BY THE SECRETARY.—

(A) IN GENERAL.—On acceptance of title by the United States, any land or interest in land acquired by the United States under this section that is located within the boundaries of a unit of the National Park System, the National Wildlife Refuge System, or any other system established by Act of Congress—

(i) shall become a part of the unit; and

(ii) shall be subject to all laws (including regulations) applicable to the unit.

(B) ALL OTHER LAND.—Any land or interest in land acquired by the United States under this section (other than land or an interest in land described in subparagraph (A))—

(i) shall be administered by the Bureau of Land Management in accordance with laws (including regulations) applicable to the management of public land under the administration of the Bureau of Land Management; or

(ii) where appropriate to protect land of unique ecological value, may be made subject to special management considerations, including a conservation easement, to—

(I) protect the land or interest in land from development; and

(II) preserve open space.

(4) WITHDRAWAL.—Subject to valid existing rights, all land acquired by the Secretary under this subsection is withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

SEC. 6. DETERMINATION OF VALUE.

(a) IN GENERAL.—All exchanges authorized under this Act shall be for approximately equal value.

(b) APPRAISAL PROCESS.—The Secretary and the State shall jointly determine an independent appraisal process, which shall reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions, to estimate values for the categories and groupings of land to be conveyed under section 4 and exchanged under section 5.

(c) DISPUTE RESOLUTION.—In the case of a dispute concerning an appraisal or appraisal

issue that arises in the appraisal process, the appraisal or appraisal issue shall be resolved in accordance with section 206(d)(2) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)(2)).

(d) ADJUSTMENT TO ACHIEVE EQUAL VALUE.—After the values of the parcels of land are determined, the Secretary and the State may—

(1) add or remove parcels to achieve a package of equally valued Federal land and State trust land; and

(2) make public a list of the parcels included in the package.

(e) EFFECT OF DETERMINATION.—A determination of the value of a parcel of land under this section shall serve to establish the value of the parcel or interest in land in any eminent domain proceeding.

(f) COSTS.—The costs of carrying out this section shall be shared equally by the Secretary and the State.

SEC. 7. CONVEYANCES OF TITLE.

(a) AGREEMENT.—The Secretary and the State shall enter into an agreement that specifies the terms under which land and interests in land shall be conveyed under sections 4 and 5, consistent with this section.

(b) CONVEYANCES BY THE UNITED STATES.—All conveyances by the United States to the State under this Act shall be subject to valid existing rights and other interests held by third parties.

(c) CONVEYANCES BY THE STATE.—All conveyances by the State to the United States under this Act shall be subject only to such valid existing surface and mineral leases, grazing permits and leases, easements, rights-of-way, and other interests held by third parties as are determined to be acceptable under the title regulations of the Attorney General of the United States.

(d) TIMING.—The conveyance of all land and interests in land to be conveyed under this Act shall be made not later than 60 days after final agreement is reached between the Secretary and the State under subsection (a).

(e) FORM OF CONVEYANCE.—A conveyance of land or an interest in land by the State to the United States under this section shall be in such form as is determined to be acceptable under the title regulations of the Attorney General of the United States.

SEC. 8. GENERAL PROVISIONS.

(a) HAZARDOUS WASTE.—

(1) IN GENERAL.—Notwithstanding the conveyance to the United States of land or an interest in land, the State shall continue to be responsible for all environmental remediation, waste management, and environmental compliance activities arising from ownership and control of the land or interest in land under applicable Federal and State laws with respect to conditions existing on the land on the date of conveyance.

(2) CONTINUING RESPONSIBILITY.—Notwithstanding the conveyance to the State of land or an interest in land, the United States shall continue to be responsible for all environmental remediation, waste management, and environmental compliance activities arising from ownership and control of the land or interest in land under applicable Federal and State laws with respect to conditions existing on the land on the date of conveyance.

(b) COSTS.—The United States and the State shall each bear its own respective costs incurred in the implementation of this Act, except for the costs incurred under section 6.

(c) MAPS AND LEGAL DESCRIPTIONS.—The State and the Secretary shall each provide to the other the legal descriptions and maps of the parcels of land and interests in land under their respective jurisdictions that are to be exchanged under this Act.

SEC. 9. LAS CIENEGAS STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the State, shall—

(1) conduct a study of land values of all State trust land within the exterior boundaries of the proposed conservation area under the Las Cienegas National Conservation Area Establishment Act of 1999, H.R. 2941, 106th Congress, in Pima County and Santa Cruz County, Arizona; and

(2) submit to Congress a recommendation on whether any such land should be acquired by the Federal Government.

(b) CONTENTS.—The study shall include an examination of possible forms of compensation for the State trust land within the proposed Las Cienegas National Conservation Area, including—

(1) cash payments;

(2) Federal administrative sites under the management of the Administrator of General Services;

(3) water rights; and

(4) relief from debt payment for the Central Arizona Water Conservation District.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 11. EXPIRATION OF AUTHORITY.

The authority of the Secretary to make the land conveyance under section 4 and the land exchange under section 5 expires on the date that is 2 years after the date of enactment of this Act.

By Mr. MCCONNELL:

S. 2814. A bill to amend title XI of the social Security Act to direct the Commissioner of Social Security to conduct outreach efforts to increase awareness of the availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries, to the Committee on Finance.

THE LOW-INCOME WIDOWS ASSISTANCE ACT OF 2000

• Mr. MCCONNELL. Mr. President, I come to the floor today to introduce the Low-Income Widows Assistance Act of 2000. Since 1988, Congress has established several programs to help pay the out of pocket medical costs for low-income Medicare beneficiaries. These programs, commonly referred to as Medicare Buy-in or QMB, SLMB, and QI-1, operate as federal-state partnerships and are funded through state Medicaid programs. Depending on an eligible senior's income level, the programs could cover the cost of Medicare Part B premiums, doctor visits, deductibles, and co-payments.

Despite the availability of these programs, many seniors are not aware that they may be eligible to receive these additional benefits. According to a 1998 Families USA study, there are somewhere between 3.3 and 3.8 million seniors in America who are eligible to receive these benefits, but not currently receiving them. In my home state, the same study estimates that there are somewhere between 49,000 and 58,000 Kentucky seniors who may be eligible for one of these assistance programs but are not enrolled. While the actual task of enrolling eligible seniors

is left to the states, there are several important steps the federal government, through the Social Security Administration (SSA), can and should take.

A key component in improving participation in cost-sharing programs is the capacity of federal and state agencies to identify those individuals who experience a reduction in income after they have already enrolled in Social Security and Medicare. One group at particular risk of reduced income in their later years is widowed spouses.

For anyone who has lost a loved one, the experience is often overwhelming both mentally and emotionally. The loss of a spouse leaves many elderly with the difficult task of restructuring their lives in order to regain personal and financial stability. When SSA is informed that a married individual has died, the agency recalculates the benefit to determine the new benefit level. Frequently, the widowed spouse's benefit is lower than the amount the married couple received from Social Security. This sets up a circumstance in which a widow who was not previously eligible to receive QMB/SLMB benefits when she was married, would now be eligible to receive these benefits because her income has fallen.

In an effort to address this serious problem, I am today introducing the Low-Income Widows Assistance Act. This legislation directs Social Security to undertake outreach efforts designed to identify and notify individuals who may be eligible for these expanded benefits. It also addresses the unique challenges facing widowed spouses by requiring that when SSA recalculates the benefits for a recently widowed spouse and finds that he or she might be eligible for these assistance programs, the agency must:

One, notify the beneficiary that he or she may now be eligible for this additional assistance.

Two, notify the beneficiary's state that she may be eligible so that they can begin their own outreach efforts.

In order to help better understand how the Low-Income Widows Assistance Act would work in practical terms, I would like my colleagues to imagine the following scenario. Sally and Bob enjoyed 60 years of marriage, but just last fall, Bob suddenly passed away. Since Bob's death, Sally has been having a hard time making ends meet. She now has a lot of expenses to take care of on her own: making the house payment, buying food and clothes, and paying for doctors' visits and prescriptions—and not to mention the "extras" like birthday and Christmas presents for her many grandchildren. While her expenses remain essentially the same, Sally's Social Security survivors benefit is lower than what she and Bob were receiving.

Under the Low-Income Widows Assistance Act, when SSA recalculates Sally's benefit and finds that her monthly Social Security check has fallen below the \$855 threshold for

SLMB eligibility, the agency would be required to notify Sally that she may be eligible for SLMB benefits. SSA also would be required to notify Sally's state government that she may be eligible for these additional benefits. It is my hope that the states would then use this information to conduct their own outreach efforts to enroll Sally and others like her.

I look forward to working with my colleagues in the Senate, as well as Congressmen LEWIS and FLETCHER who are introducing similar legislation in the House, to help low-income widows by enacting the Low-Income Widows Assistance Act of 2000.●

By Mr. CLELAND (for himself and Ms. SNOWE):

S. 2815. A bill to provide for the nationwide designation of 2-1-1 as a toll-free telephone number for access to information and referrals on human services, to encourage the deployment of the toll-free telephone number, and for other purposes; to the Committee on Commerce, Science, and Transportation.

● Mr. CLELAND. Mr. President, I rise today to introduce with my colleague, Senator SNOWE, a bill to designate 2-1-1 as the nationwide, toll-free number to access health and human services. Such designation is needed to simplify access to the maze of numbers and service organizations that currently exist. These organizations, which exist to help people, are useless if those in need do not know how to access the services provided.

Imagine a single mother who needs shelter and dinner one night for herself and her children. Although she may know of a shelter providing these services, there may be one closer that better fits her needs by catering to children and women in need. 2-1-1 could provide her with a targeted referral to a shelter specializing in child care and empowering mothers to get back on their feet. Or, visualize an older American on a fixed income, who may need assistance paying her electricity bill during a particularly cold month, can call 2-1-1 for a referral to an agency to assist her with her need. Also, if someone has goods or services she would like to donate to her community, she can call 2-1-1 for a referral to an agency with a specific need for her items or time. All 2-1-1 calls are confidential and unaffiliated with government agencies.

The United Way of Metropolitan Atlanta has implemented 2-1-1 service with much success. Not only has this consolidation of human services referrals provided direction and aid to those in need, it also has helped pool the resources of area charitable organizations. This pooling of resources has eliminated duplication and highlighted gaps in current service, which in turn has improved the delivery of services to the citizens of Metro Atlanta. Because of the great success in Atlanta, the United Way and other non-profit

groups are attempting to replicate this service in almost every state in the nation. Petitions to designate 2-1-1 as a referral to health and human services have been approved or are pending in several other states. However, 2-1-1 offers such an important service to communities, that I believe it is time to reserve this number nationwide. Several states have indicated reservations about pending petitions without direction from the appropriate federal agencies that 2-1-1 will not be used for another purpose. Senator SNOWE and I believe it is time to indicate to state and federal regulators Congress's clear support for 2-1-1.

One of the unique aspects of 2-1-1 in Metropolitan Atlanta, which I believe can be replicated in the other states, is the generous support it has received from the community through private donations. This funding model is one of the unique aspects of this legislation. Specifically, the bill stipulates that none of the costs of 2-1-1 service shall be passed on to telephone customers but will be supported by the organizations operating the 2-1-1 service.

Mr. President, I would like to submit a letter endorsing this legislation signed by the United Way of America, the American Red Cross, the Alliance for Children and Families, Girls Scouts of the United States of America, United Jewish Communities, Lutheran Services of America, and Volunteers of America to name only a few. I realize that N-1-1 numbers are finite in availability, but 2-1-1 is a service in the public interest that needs a national designation. I urge my colleagues to support this legislation that will enable Americans, no matter where they are, to obtain the assistance they need through the use of a three digit number.

I ask consent that a copy of the United Way letter and a copy the bill be printed in the RECORD.

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

S. 2815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONWIDE DESIGNATION OF TOLL-FREE TELEPHONE NUMBER FOR ACCESS TO HUMAN SERVICES INFORMATION AND REFERRAL.

(a) FINDINGS.—Congress makes the following findings:

(1) N-1-1 codes, or 3-digit abbreviated dialing telephone numbers, provide Americans with easy, efficient, nationwide access to emergency and nonemergency information that serves the public interest.

(2) Individuals and families often find it difficult to navigate the complex and ever growing maze of human services agencies and programs and often spend inordinate amounts of time in trying to identify the agency or program that provides a service that may be immediately or urgently required.

(3) Americans desire to volunteer and become involved in their communities, and this desire, together with a desire to donate to organizations which provide human services, are among the reasons to call a center

which provides information and referrals on human services.

(4) The number "2-1-1" is easy-to-remember and universally recognizable and would serve well as the designation of a telephone service for linking individuals and families to information and referral centers which could, in turn, make critical connections between individuals and families in need and appropriate human services agencies, including both community-based organizations and government agencies.

(5) United Ways and other non-profit and governmental centers that provide information about and referrals to human services have secured funding for the establishment, implementation, and current operation in the United States of three centers that provide such information and referrals and are accessed through the telephone number 2-1-1.

(6) United Way of Metropolitan Atlanta, Contact Helpline of Columbus, Georgia, and United Way of Connecticut currently utilize the telephone number 2-1-1 for the purpose of access to information about and referral to human services.

(7) Since United Way of Metropolitan Atlanta and United Way of Connecticut switched from 10-digit telephone numbers for access to their centers of information and referral on human services to the telephone number 2-1-1 for access to such centers, the volume of calls received at such centers has increased by approximately 40 percent. The centers of United Way of Metropolitan Atlanta and United Way of Connecticut each handled approximately 200,000 calls in 1999.

(8) Rapid deployment nationwide of the telephone number 2-1-1 as a means of access to information about and referral to human services requires coordination among State governments and the information and referral centers of many localities.

(9) Alabama, Massachusetts, North Carolina, and Utah have approved petitions for the implementation of the telephone number 2-1-1 statewide for that purpose, and implementation of the use of that number for that purpose is underway. Jurisdictions in Louisiana and Tennessee have also designated the use of 2-1-1 for that purpose.

(10) Ohio, South Dakota, Texas, and Wisconsin are considering petitions to designate the telephone number 2-1-1 for that purpose.

(11) Florida and Virginia have developed statewide models for telephone access for that purpose.

(12) The use of 2-1-1 for that purpose is being considered by nearly every other State.

(b) DESIGNATION OF TOLL-FREE HUMAN SERVICES ACCESS TELEPHONE NUMBER.—

(1) IN GENERAL.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following new paragraph:

“(3) HUMAN SERVICES ACCESS TELEPHONE NUMBER.—

“(A) DESIGNATION.—The Commission, and each commission or other entity to which the Commission has delegated authority under this subsection, shall designate 2-1-1 as a toll-free telephone number within the United States for access to information and referral centers for information about and referral to providers of human services, including information and referrals for purposes of volunteering and making donations.

“(B) APPLICABILITY.—The designation under subparagraph (A) shall apply to wire and wireless telephone service.

“(C) PAYMENT OF COSTS.—The costs of a telecommunications carrier in providing access to a provider of information and referrals through the telephone number designated under this paragraph shall be borne by the provider of such information and referrals.

“(D) CALL LOCATION INFORMATION.—Nothing in this paragraph shall be construed to require any telecommunications carrier to provide call location information to a provider of information or referrals on human services through the telephone number designated under this paragraph.

“(E) DEFINITIONS.—In this paragraph:

“(i) HUMAN SERVICES.—The term ‘human services’ means services as follows:

“(I) Services that assist individuals in becoming more self-sufficient, in preventing dependency, and in strengthening family relationships.

“(II) Services that support personal and social development.

“(III) Services that help ensure the well-being of individuals, families, and communities.

“(ii) INFORMATION AND REFERRAL CENTER.—The term ‘information and referral center’ means a center that—

“(I) maintains a database of providers of human services in a State or locality; and

“(II) assists individuals, families, and communities in identifying, understanding, and accessing such providers and the human services offered by such providers.”

(2) TRANSITION.—The Federal Communications Commission shall provide for the implementation within a reasonable period of time of the designation required by paragraph (3) of section 251(e) of the Communications Act of 1934, as added by paragraph (1) of this subsection, throughout the areas of the United States where the designation is not in effect as of the date of the enactment of this Act.

(c) SUPPORT FOR STATE EFFORTS.—

(1) IN GENERAL.—The Commission shall encourage and support efforts by States to develop and implement the use of the toll-free telephone number 2-1-1 for access to providers of information and referrals on human services.

(2) ACTIVITIES.—In providing encouragement and support under paragraph (1), the Commission shall—

(A) consult with appropriate State officials, including State human services agencies, and appropriate representatives of the telecommunications industry, United Ways, Alliance of Information and Referral Systems (AIRS), AIRS affiliates, law enforcement and emergency service providers, and local non-profit and governmental information and referral centers; and

(B) encourage States to coordinate statewide implementation of the use of the telephone number in consultation with such representatives.

(3) PROHIBITION ON IMPOSITION OF OBLIGATIONS OR COSTS.—Nothing in this subsection shall be construed to authorize or require the Commission to impose an obligation or cost on any person.

(d) PROVISION OF CALL INFORMATION.—Section 222(d) of the Communications Act of 1934 (47 U.S.C. 222(d)) is amended—

(1) by striking “or” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; or”; and

(3) by adding at the end the following:

“(4) to provide call information when required by applicable law.”

UNITED WAY OF AMERICA,
Alexandria, VA June 29, 2000.

DEAR SENATOR: The undersigned organizations support the bill cosponsored by Senators Max Cleland (D-GA) and Olympia Snowe (R-ME) to nationally designate the 211 abbreviated dialing code for access to health and human services information and referral (I&R). 211 is an easy-to-remember and universally recognizable number that makes a critical connection between individ-

uals and families in need and the appropriate community-based organizations and government agencies. Since United Way of Metropolitan Atlanta and United Way of Connecticut switched from 10-digit I&R numbers to 211, the volume of calls received at both has increased by 40 percent, with each handling over 200,000 calls in 1999.

A petition to nationally designate 211 for health and human services I&R submitted by the 211 Collaborative, of which United Way and the Alliance of Information and Referral Systems are members, has awaited action by the Federal Communications Commission (FCC) for well over a year. FCC inaction leaves current and ongoing 211 implementation in state and local jurisdictions in jeopardy. Additionally, some state public utility commissions have indicated they will not take action on 211 petitions before the FCC makes its decision. Further, with 211 being considered or implemented in 45 states, if the FCC designates the number for a different purpose, all current and future 211 call centers would need to make significant expenditures and do considerable outreach to convert to a new, 10-digit number.

Legislation designating 211 for human services I&R would alleviate these concerns and would bypass a potentially lengthy and uncertain FCC approval process. We urge you to support the Cleland-Snowe bill. Thank you.

Sincerely,

Alliance for Children and Families
Alliance of Information and Referral Systems
American Association of Homes and Services for the Aging
American Red Cross
America's Blood Centers
Association of Jewish Family & Children's Agencies
Camp Fire Boys and Girls
Citizen's Scholarship Foundation of America
Coalition of Human Needs
Coalition of Labor Union Women
Council for Health and Human Service Ministries
Girl Scouts of the USA
Girls Incorporated
Lutheran Services of America
National Association of Child Care Resource and Referral Agencies
National Association of State Units on Aging
National Association of WIC Directors
Service Employees International Union
The Salvation Army
United Jewish Communities
United Neighborhood Houses
United Way of America
Volunteers of America
Women in Community Service●

By Mr. GRAHAM (for himself,
Mr. AKAKA, Mr. L. CHAFEE, and
Mr. MCCAIN):

S. 2816. A bill to provide the financial mechanisms, resource protections, and professional skills necessary for high quality stewardship of the National Park System, to commemorate the heritage of people of the United States to invest in the legacy of the National Park System, and to recognize the importance of high quality outdoor recreational opportunities on federally managed land; to the Committee on Energy and Natural Resources.

THE NATIONAL PARKS STEWARDSHIP ACT

By Mr. GRAHAM (for himself and
Mr. GORTON):

S. 2817. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to establish permanent recreation fee authority; to the Committee on Energy and Natural Resources.

THE RECREATIONAL FEE AUTHORITY ACT OF 2000

Mr. GRAHAM. Mr. President, I come before you to today to discuss one of our nation's most valued assets—our National Parks.

Throughout the history of our country, visionary statesmen have arisen to remind us of the natural resource heritage on which our country rests. As early as 1903, President Theodore Roosevelt, spoke of the challenge at hand:

We must handle the woods, the water, the grasses so that we will hand them to our children and our children's children in better and not worse shape than we got them.

It is a challenge we still face today, and will into the future, in our role as stewards of the world in which we live.

Our system of National Parks and other public lands is the envy of the world. It serves as a model for other countries, as they also seek to preserve their natural and cultural heritage. No other country has set aside as full a spectrum of public lands—from wilderness to urban parks—for people to use and enjoy. But to just set them aside is, of course, not enough. The feature that makes these lands remarkable—that they are open and accessible to all Americans to enjoy—also threatens their existence in the future.

Mr. President, we face an ironic question: are we loving our national parks to death? The simple answer to that question is yes.

Earlier this year, the National Parks Conservation Association released its list of the Ten Most Endangered National Parks. We should all feel ashamed that they have so many endangered Parks from which to choose. This year's list includes National Parks across the country, from Alaska to Arizona, from Tennessee to Hawaii. It also includes Everglades National Park in my state of Florida, where decades of human manipulation have led to ecosystem destruction.

This list of the 2000 Ten Most Endangered National Parks is unfortunately not comprehensive, but is representative. During the past year I have visited several national parks to get a first hand view of the problem. From personal experience, I can enlarge the list of endangered national parks.

At Ellis Island National Monument, a facade of immaculate buildings hides an inventory of dilapidated historical structures.

At Bandelier National Monument in New Mexico, lack of maintenance and vandalism is leading to the deterioration of historical artifacts.

I recently witnessed a similar deterioration of marine-related artifacts at a park in my own state of Florida.

In April I participated in my 359th work day at Biscayne National Park, a chain of subtropical islands protecting mangrove shoreline, interrelated ma-

rine systems and the northernmost coral reef in the United States. This was my 4th workday in a National Park.

At Biscayne National Park, we Americans are in danger of losing a piece of our history. The HMS Fowey, an 18th century British warship, lies submerged in a highly unstable location. This very significant, national register site has been weakened by looting, prop-wash deflection, storms and other forces. The best choice available is to excavate the wreckage and recover whatever of the historical record we can. This kind of operation is well beyond the means of Biscayne National Park's annual operating budget.

My feelings about the National Park System are truly of wonder. The wonder that I feel at the treasures in our park system is only matched by my wonder at how we can take such treasures for granted. The importance of our National Parks should be reflected in our stewardship of the National Park System. We have failed to provide the National Park Service with the tools it needs to be good stewards of our National Parks.

Today, with my colleagues Senator AKAKA, Senator L. CHAFEE and Senator MCCAIN, I am introducing the "National Parks Stewardship Act".

I would also like to include for the record a letter from the National Parks Conservation Association expressing that organization's support for this legislation.

This legislation seeks to give the National Park Service the tools it needs to prepare for the next century. It also includes many of the proposals of others who feel strongly about the importance of our National Parks.

This bill gives park managers the protective tools needed to support the stewardship challenges of Theodore Roosevelt. We provide three types of tools: resource protection, financial tools and human resources.

The first element in the resource protection section of my bill deals with activities occurring outside park boundaries.

My inspiration for this was legislation introduced by the late Senator John Chafee who proposed the formation of "park protection areas" in 1986. John Chafee proposed that these areas be formed outside park boundaries to create the "buffer zone" needed for resource protection.

I identified strongly with this concept, having worked since the 1970's on a state-federal partnership for Everglades restoration that focuses heavily on providing a buffer zone for Everglades National Park. Today, the original boundaries of Everglades National Park are surrounded by Big Cypress Preserve, an expanded park boundary, and undeveloped land on the eastern side of the park.

It is as a memorial to John Chafee that I echo his provision in my bill, which I hope will become a permanent component of National Park steward-

ship. It is an honor to have LINCOLN CHAFEE, a fine statesman in his own right, as a co-sponsor.

The federal government must be unified in its stewardship of the National Parks.

My legislation requires that federal agencies taking action on lands bordering National Park units consult with the Department of the Interior to ensure such actions do not degrade or destroy National Park resources.

It also requires the Secretary of the Interior to prohibit actions on Interior lands that will adversely impact Park resources.

The second action I propose to protect park resources relates to park uses.

The National Park Stewardship Act requires that activities allowed in National Parks pass the test of compatibility with natural, cultural and historical resource protection. As our parks are used and enjoyed by visitors, we must ensure that park resources are not inadvertently damaged. For example, the Park Service recently issued regulations limiting or prohibiting the use of personal water craft in some areas. This action was only taken after the use of these water craft in some areas was allowed at intensities seriously degrading water and air quality, and threatening both park wildlife and other park visitors.

My bill requires the National Park Service to take action to protect these resources before damage occurs. Activities must be analyzed and the impacts understood before they are authorized. It also asks the National Parks to seriously plan for the future, projecting visitation and use trends and identify needed personnel and facilities.

Another resource protection portion of the bill focuses on ensuring that our National Park System fully represents the history of our nation. Each year, a smaller percentage of the American population can trace its ancestry to those who landed at Plymouth rock, settled Jamestown, or fought in the American revolution. Many Americans are descended from people who crossed international borders from the North or South, or landed at locations from the Florida Keys to the Aleutian Islands, from Ellis Island to the island of Oahu. All those who came to settle write their history alongside, and often atop the history of our country's native peoples.

The bill calls for a comprehensive look at the ethnic and cultural content of our National Park System. It asks the National Park Service to report this review to Congress, and to make recommendations on sites that might round out the American story. It encourages cultural/ethnic groups to nominate sites important to their heritage for inclusion in the System, and to recommend changes in the interpretation of present sites to improve historic accuracy.

America is etched with a rich historical record. I commend those who have

succeeded in adding important heritage sites to the National park System. Units like the National Underground Railroad Network to Freedom, authorized by Congress in 1998, and the Juan Bautista de Anza National Historic Trail in California, tracing the path of a party of Spanish colonists in 1776, ensure that these events do not pass from our historical landscape. There are certainly many as equally important sites to consider.

Mr. President, I would like to include in the RECORD letters from the Ambassador of Spain and the Spanish Institute for Military History and Culture. These letters exemplify the willingness of those who contributed to the history of the United States to help in this effort. The Ambassador points out how the Institute's letter, "opens the way for a cooperation between the two institutions that could result in a much better use of the many historical sites, of Spanish origin, on American soil. They could 'make the stones speak'" to many people in this country who are still unaware of a very rich and common heritage." I am sure other countries will be willing to help illustrate how the history of our country is linked to their own history.

Our National Park System, the treasured sites of American history, must contain the history of all Americans. If not, our National Park System is like a partially woven tapestry, depicting only part of the picture. Instead let our National Park System be woven, whole and beautiful, from the multi-colored threads of history of the people of these United States.

I hope this proposal will move us one step closer to a National Park System where all Americans should be entitled to see the role of their people in the exploration, settlement and development of this country. And I see it as complementing Senator AKAKA's bill, S. 2478, calling for a study on the "Peopling of America," which I am honored to co-sponsor.

The second major section of the National Parks Stewardship act deals with financial resources.

Last year, I introduced legislation with Senators REID and MACK, S. 819, the National Park Preservation Act, that would provide dedicated funding to the National Park Service to restore and conserve the natural, cultural and historic resources in our park system. We continue to work toward final passage of S. 819. However, this bill alone does not meet all of the needs in our National Parks.

The need for construction and maintenance in National Parks is great. Backlog estimates range from 2 to 8 billion dollars, depending on the method of calculation.

In order to accommodate many visitors each year, some National Parks have facilities and services that rival those of towns or small cities. Along with these facilities come the problems of infrastructure maintenance and repair that are beyond the reach of annually appropriated budgets.

Even at Yellowstone National Park, certainly a crown jewel of the system, a dilapidated sewer system leaking untreated waste befouls what should be pristine streams and lakes. At Yellowstone, a park visited by over 3 million people a year, certainly we should provide the means for financing a new sewer system.

My colleague Senator MCCAIN addressed this need through his bill, S. 831, which would authorize a portion of park entrance fees to be used to secure bonds for these very necessary capital improvements. Bonding would seem to be a workable approach, if we could find an appropriate way for a federal agency to issue revenue bonds.

The National Parks Stewardship Act introduced today calls for the Secretary of the Treasury and the Secretary of the Interior to study and report to Congress how National Parks could issue revenue bonds to meet such large infrastructure needs.

The authority to issue revenue bonds places into the hands of National Park superintendents a tool to generate the funds to make these repairs.

The second revenue provision I propose is to make the recreation fee program in operation as a demonstration since its authorization in 1996 into a permanent park program. The program has demonstrated that park visitors can get a good return on the fees they pay; a return paid out in better maintained facilities, improved visitor services, and all-in-all, a more enjoyable park visit.

To underscore the importance of recreation fee permanence, I, along with Senator GORTON, am introducing today the "Recreation Fee Authority Act of 2000," a stand alone piece of legislation containing these provisions.

In fiscal year 1999, the recreation fee demonstration program generated \$176.4 million in fee revenue at National Parks, National Forests, National Wildlife Refuges and Bureau of Land Management sites. Even more important than the amount collected is the fact that the large majority of the fees were retained at the site where collected for use in Park operations, maintenance, resource protection and visitor services.

Biscayne National Park, where I worked for a day in April, is one of the units benefitting from the recreation fee demonstration program. Last year, that park collected over \$20,000 in recreation fees. At Biscayne, these funds were used to:

- replace the broken tables and grills in the picnic area;
- restore a historic breeze way trail across Elliott Key; and
- renovate the public showers and bathrooms on Elliott Key, improving their accessibility for people with disabilities.

When park visitors see their "fees at work" in the form of improved facilities and services, research has shown that they understand and support the collection of an appropriate and rea-

sonable fee. Over 95 percent of respondents to this year's National Survey on Recreation and the Environment felt reasonable fees were acceptable as a means for funding recreation services on public lands.

The recreation fee demonstration authority is temporary. If it is not extended or made permanent, Biscayne and other National Parks will lose this very necessary means to get the job done. Let's instead make this a permanent tool for National Park Stewardship.

In addition to revenue bonding and the recreation fee program, I propose the expanded use of Challenge Cost Share agreements, which allow the "leveraging" of Park Service appropriations with funds from the private sector and other federal agencies.

The final tool I propose in this legislation focuses on the professional skills of those we employ as the stewards for National Parks. Professionals typically attracted to the Service come from many fields, including education, recreation management, and the biological sciences. Today park managers must also demonstrate fiscal and program accountability and management planning, skills that are not found throughout National Park Service ranks.

I am proposing a pilot program, "Professionals for Parks", to attract needed skilled professionals to National Park Service careers. It will focus on recruiting at business schools across the country, offering talented graduates an entry level professional job within the National Park Service and a student loan buy-back program.

Professionals for Parks will add to National Park Service ranks the business management skills needed for better management, leading to long term stewardship. And we know this can make a difference.

We're looking for people like Nick Hardigg, a recent graduate of the Yale School of Management, who is now working as Chief of Concessions at Denali National Park. His financial analysis of the visitor transportation system in Denali led to a newly negotiated contract with the bus company. This contract allows for a healthy profit for the operator and for the first time in several years does not increase fees to park visitors. It also protects park resources by providing a quality transportation system.

It's a long way from the Ivy League to the Alaskan wilderness. Mr. Hardigg has made that journey, and has put his business skills to good use for National Park stewardship.

Mr. President, the National Park Stewardship Act is not calling for a revolution in the National Park System. It recognizes the value of what we have in the National Park System, recognizes what we stand to lose without immediate attention, and supplies the tools to the right people to tackle the job.

In closing I would like to recall the words of John Chafee, a visionary

statesman who helped craft much of the foundation on which our system of environmental protection rests.

In 1994, he reminded us of the importance of our Parks stewardship role:

I can think of no instance where the Government has designated an area as a park and years later people have looked back, regretted the decision, and tried to reverse it. As we continue to develop and extract resources from the remaining open spaces in our Nation, it is important that we ensure that there will always be places where people can get away and renew their spirits, breathe fresh air, and appreciate nature's gifts.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

NATIONAL PARKS
CONSERVATION ASSOCIATION,
Washington, DC, May 23, 2000.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The National Parks and Conservation Association (NPCA) would like to commend you and your cosponsors for the introduction of the National Parks Stewardship Act. This bill includes many provisions that will promote better protection and management of national park resources.

As you know, the beginning of the 21st century is a watershed moment for Americans and our National Park System. One hundred and twenty-eight years after the establishment of Yellowstone, we have a magnificent park system that stretches from the coast of Maine to the tropical reefs of American Samoa. Millions people visit and enjoy these parks every year.

However, the National Park System also is severely troubled. Threats to the health of the National Park System fall into several broad categories: lack of funding; activities that damage park resources from inside and outside park boundaries; and poor management. As a result, basic information about park resources is lacking, much of the infrastructure and visitor services are in poor condition, and parks are increasingly jeopardized by activities around them.

Your National Stewardship Act addresses many of these concerns by:

Facilitating the issuance of national park revenue bonds that would help finance needed improvements at national parks;

Requiring that all activities in national parks be consistent with resource protection and preservation;

Ensuring that other federal government agencies respect the integrity of national park lands;

Promoting the protection of the historical documents in National Park Service collections;

Expanding the opportunities for national park managers to develop public administration and business management skills.

The National Parks Stewardship Act also ensures that the National Park System will better represent the diverse heritage of all people of the United States. Support for the National Park System runs deep in the hearts of millions of Americans. That support, however, will wane if significant numbers of people feel disconnected from the message and meaning of the parks. To ensure continued public support, and historical relevance, the National Parks Stewardship Act requires that the National Park Service review existing sites to determine if there are deficiencies in the accurate representation of

all peoples that contributed to the shaping of the United States. We commend you for this farsighted proposal.

Thank you for undertaking this effort to assure the vitality of the National Park System through the 21st century and beyond. We look forward to promoting this legislation with you.

Sincerely,

THOMAS C. KIERNAN.

EL EMBAJADOR DE ESPAÑA,
Washington, DC, April 27, 2000.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR, I have read with the utmost interest your proposed legislation on the role of the National Park Service of the United States in conservation and promotion of historic sites in this country.

With respect to the numerous monuments left by Spain in the southern States, we would certainly welcome all possible cooperation with the Park Service to give these venerable ruins a real cultural and educational purpose. We believe that solid support from historians and other experts from Spanish official institutions such as our Ministry of Defense or the Institute for the Protection of Historic Legacy, could make these sites incite the interest of new generations on pages of their past that they might have insufficient knowledge of.

I have written to the two aforementioned Spanish cultural institutions to ensure their willingness to collaborate with the National Park Service on the goals set forth in the draft Resolution.

In the meantime, let me assure you of our enthusiastic support for your initiative that I certainly hope will muster the necessary backing from the rest of the Senate.

Thanking you most warmly for your enlightened defense of the cultural integrity of this great country.

I remain,

Yours very sincerely,

ANTONIO DE OYARZABAL.

EL EMBAJADOR DE ESPAÑA,
Washington, DC, June 9, 2000.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR, I am pleased to enclose the attached letter from my friend General Penaranda, the Director of the Institute for Military History and Culture in Madrid, in response to my request for support to your initiative in Congress, on behalf of the "National Park Service."

I think General Penaranda's very enthusiastic answer opens the way for a cooperation between the two institutions that could result in a much better use of the many historical sites, of Spanish origin, on American soil. They could "make the stones speak" to many young people in this country who are still unaware of a very rich and common heritage.

EMBAJADA DE ESPAÑA,
Madrid, May 29, 2000.

His Excellency Ambassador Antonio de Oyarzabal Marchesi,
*Ambassador of Spain to the U.S.,
Washington, DC.*

DEAR AMBASSADOR AND FRIEND: It gives me great pleasure to be able to oblige you with regard to the wishes of the National Park Service which you refer to in your letter of April 26. I have consulted this Institute's Standing Committee on Historical Studies (Comision Permanente de Estudios Historicos) regarding the possibility of satisfying the possible American request, and it could not be more favorably disposed to the idea. It is very satisfying to be able to co-

operate in some way in the efforts to heighten the historical value of the old Spanish military monuments in the U.S. as well as that of any other collection of documents, books or movables that can be considered part of this important historical legacy.

This institute has a considerable collection of documents and artifacts in its archives relating to the ancient vicereignty and overseas provinces. Most of the items have already been catalogued (some have even been studied by U.S. specialists). Now we are in the advanced stages of negotiation with Puerto Rico whose Legislative Assembly has already allocated a budget for cataloguing, microfilming and digitizing all the material in our historical military archives about matters related to that island.

In any case, Antonio, you know that you can count on the Institute for Military History and Culture to initiate a collaborative effort with the National Park Service. It would be advisable to establish direct contact between the National Park Service and this Institute so as to define the matters of most interest to them. While we could begin in writing, a trip to Spain by a director or historian of the Park Service so that they might gain an understanding in situ of our capabilities with regard to their projects would be very fruitful. They will be most warmly received.

I am at your service!

With my best regards,

JUAN MA DE PENARANDA Y ALGAR.

Mr. GORTON. Mr. President, I am pleased to join my colleague from Florida, Senator GRAHAM, in introducing legislation today that seeks to permanently authorize the recreation fee program for the federal land management agencies. Congress authorized the Recreation Fee Demonstration Program in the FY 1996 Omnibus Consolidated Recissions and Appropriations Act, and has extended the program through the Interior Appropriations bill several times since 1996.

In the Pacific Northwest, the fees collected by the National Park Service and Forest Service have been a tremendous additional resource to provide improved campgrounds, trails, and other visitor facilities. As chairman of the Senate Interior Appropriations Committee, I have consistently provided increases for operations, maintenance, and repair of park, forest, and refuge facilities. Regardless, this country's love affair with recreation and the great outdoors has begun to take its toll on the public lands we enjoy so much.

Since I took over the chairmanship of the Interior Appropriations Subcommittee, I also have been faced with an unending list of federal land acquisition proposals. The demand to increase the federal government's land base cannot be considered in a vacuum, especially when we're faced with at least a \$12 billion maintenance backlog on the lands we already own. In fact, the Congressional Budget Office recommended last year that the federal government place a ten-year moratorium on land acquisitions in an effort to address the backlog in maintenance projects.

I don't support taking such an extreme step. Rather, I believe we can have a reasonable level of land acquisitions, but we also need to commit to

finding the additional resources to maintain what we already have. I am committed to providing access to our public lands, but this can only happen if we have enough funding to maintain the land and facilities treasured by Americans and visitors from all over the world.

Over the past five years of the fee demonstration project, the federal agencies have tested various types of fees and collection methods in preparation for the possibility of some day establishing a long-term, consistent, and fair fee program. In general terms, the project has been a great success, providing the federal land management agencies nearly \$200 million last year in additional revenue for maintenance and repair projects, and resources for improved visitor services.

In 1999, at the Mt. Baker-Snoqualmie Forest in my state, the program allowed this Forest to clear 739.6 miles of trail, hire 22 trail maintenance workers, develop leveraged partnerships with non-profit groups to accomplish maintenance work with volunteers, and maintain 67 trailhead toilets and 136 trailheads. All of this vital work was accomplished by charging \$3 for day passes or \$25 for an annual pass.

Last week, the Senate Appropriations Committee reported the Interior Appropriations bill, which extends the Recreation Demonstration Fee Program through the end of fiscal year 2002. Despite my resistance to using the Interior bill to continue this program, I felt it was vital to provide the agencies certainty for another year. In fact, recent improvements to the Forest Service fee program in the Northwest, including the new Northwest Forest Pass, would have been jeopardized without the extension.

With that said, I believe the Senate, through the Energy and Natural Resources Committee, deserves the opportunity to fully consider legislation to permanently authorize the recreation fee program. The success stories are abundant, but by no means am I blind to the problems we've seen over the past five years. Most importantly, the public deserves the opportunity to participate, both through hearings and contact with their elected representatives, to provide us the input we need to authorize a permanent program.

That's why I have chosen to join Senator GRAHAM today in introducing a bill to begin the debate over how and whether Congress should permanently authorize the recreation fee program. The bill we've crafted provides the framework for a permanent program that will build upon the successes and correct the problems we've seen so far.

I want to stress that this bill will serve as the starting point for what I hope to be a full and deliberative discourse on recreation fees. I intend to work with the Energy and Natural Resources Committee to hold a series of hearings, including field hearings, so representatives of recreation groups, gateway communities, and other inter-

ested parties can air their concerns and suggestions. My staff and I have spent a considerable amount of time meeting and talking with recreation groups based in Washington state. I am certain there will be many ways we can improve the legislation introduced today to address their concerns through the committee process, and I am excited to continue that dialogue.

It goes without saying that no one really wants to pay a fee to recreate on public lands. The key to making a permanent program a success in the future will depend on keeping the fees reasonable and the results tangible. The most important component of the Recreation Fee Demonstration Project is the requirement that 80 percent of the fees remain at the site the fees are collected. The legislation introduced today maintains that requirement. In addition, Congress and the Administration must make a firm commitment to uphold its responsibility to continue to increase appropriations in the future to reduce the maintenance backlog. It's a two-way street, and we must all do our part.

Further, I fully expect to address other issues raised by my friends in the recreation community. Although the situation has improved recently, the multiple fee structures tested by the Forest Service created a confusing and frustrating situation for hikers and rock climbers. In particular, rock climbers have been hit with multiple fees for just one visit to the forest. Many recreationists are calling for multi-agency passes. I find this idea intriguing and would urge further discussion through the committee process. I must note, however, that multi-agency fees may distract from the expectation that fees remain at the facilities and sites where they are collected. Further, some outdoor enthusiasts are concerned the fee program could inspire over-building on our public lands to justify collection of the fees. I, too, am concerned with preserving the integrity of our public lands and avoiding the impulse to provide unnecessary facilities. This legislation directs the agencies to place a priority on deferred maintenance projects. But again, these are topics that deserve thoughtful discussion, and I look forward to addressing them in the near future.

Finally, many active recreationists have made a strong case for developing a recognition program that rewards volunteers for dedicating their time to improving our public lands. Many forests and parks have well-developed volunteer programs, while others do not. I am dedicated to working with recreation groups to provide the agencies appropriate guidelines in the bill to develop a consistent program that provides volunteers reduced or free access to our public lands.

Again, I want to thank my colleague from Florida for being a leader in the protection of the nation's public lands. I look forward to working with him, and the members of the Energy and

Natural Resources Committee, to authorize a permanent program that provides necessary resources to maintain and improve these national treasures for generations to come.

By Mr. JOHNSON:

S. 2818. A bill to amend the Agricultural Market Transition Act to establish a flexible fallow program under which a producer may idle a portion of the total planted acreage of the loan commodities of the producer in exchange for higher loan rates for marketing assistance loans on the remaining acreage of the producer; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD SECURITY AND LAND STEWARDSHIP
ACT OF 2000

Mr. JOHNSON. Mr. President, I rise to introduce legislation to amend the 1996 farm bill. This legislation is really the culmination of at least two years of work on the part of two agricultural producers from my home State of South Dakota. These two individuals, Craig Blindert of Salem and Phil Cyre of Watertown, have devoted an enormous amount of time and energy refining the proposal I am introducing today and I want to express my thanks and gratitude.

While some policy makers purport to have all the answers to agricultural policy and our current economic disaster in farm country, I am proud that two South Dakota farmers approached me with their plan. Mr. Blindert and Mr. Cyre exhibit a quality inherent to a farmer that most policy makers will never exhibit, something I call "tractor seat common sense." Former President Eisenhower once said, farming looks mighty easy when your plow is a pencil and you're a thousand miles away from a farm. Instead of pretending I have all of the answers, I think it just makes good practical sense to listen to farmers who know their business better than anyone in the world, and that is what I have tried to do with this proposal.

Unfortunately, all of that expertise our farmers demonstrate about the production of crops and livestock, marketing, and risk management means little when our farm policy and agribusinesses minimizes them into mere price takers. The legislation I am introducing today attempts to allow farmers to become price setters in response to the free market, and it attempts to ensure responsibility from agribusiness to finally offer a decent price for commodities.

The current economic setting and commodity price forecast for farmers and ranchers remains disastrous. Crop prices have absolutely collapsed with corn prices at a 12 year low, soybeans prices at a 27 year low, and wheat prices that have not been so low since 1977. Meatpacker concentration and unfair livestock dumping are still crippling livestock producers. Prices paid for livestock have remained low in the pork and lamb sectors while they have

recovered, at a very limited and still unprofitable rate, for cattle producers. As a result, net farm income has plummeted to around \$40 billion this past year, plunging \$9 billion from last year, without government assistance. Agricultural exports are down over \$11 billion from 1996, and constricted global demand for our agricultural products restricts exports from boosting prices.

It is clear that once again this disastrous marketplace clouds the landscape of rural America as a woefully inadequate farm bill continues to rip the safety net from beneath farmers and ranchers. If not for government market loss assistance the last three years—a record level of \$23 billion in 1999—many hard-working farmers and ranchers might be out of business.

The course of the last few years under the current farm bill has given all of us the opportunity to measure the theories of Freedom to Farm against the practical reality of experience. The measurable results of that practical experience should convince Congress we cannot delay to reform the current farm bill. Some tend to ignore this reality, choosing instead to overlook the flawed farm policy, in hopes that over time our nation's family farmers and ranchers will find themselves enjoying the prosperity of our booming economy. However, most farmers merely read about this prosperity as they face escalating production expenses, eroding equity, and collapsing crop prices.

Delay in reforming farm policy is dangerous to the entire fabric of rural America. The other day a farmer remarked to me, "the best time for Congress to write a better farm bill would have been in 1996, but, the next best time is today." I couldn't agree more.

Congress cannot continue to overlook the link between the current financial stress our family producers face and the 1996 farm bill provisions which eliminated the financial safety net for farmers. Consequently, there should be no higher priority for this Congress to accomplish in farm policy than to restore a fair price from a truly free marketplace.

The legislation I am introducing today is not a radical departure from the current farm bill. We try to reinforce the advantages of Freedom to Farm while improving upon other areas of our farm policy. Coined "Flexible Fallow" by the farmers who developed it, my proposal adds a voluntary, annual, conservation-use feature to the loan rate provisions of the 1996 Farm Bill. Should a farmer desire to operate under current farm bill conditions, my legislation ensures that opportunity. However, should a farmer need greater leverage over crop production and marketing, Flex Fallow guarantees that planting and marketing flexibility.

Neil Harl of Iowa State University, arguably the most respected agricultural economist in the country, has enthusiastically endorsed my Flex Fallow

proposal. In a letter to me he describes Flex Fallow as "the missing link to the 1996 farm bill." He believes this proposal will function in a market oriented fashion and ensure that "farmers continue to make production decisions based upon their own operations in a manner that makes economic sense."

Mr. President, farmers electing to devote a portion of their total crop acreage to conservation-use under my bill receive a higher loan rate on their remaining crop production. On an annual and crop-by-crop basis, farmers can choose to conserve up to thirty percent of their total crop acreage.

An adjustable loan rate schedule is a key feature of this proposal. With the exception of wheat and soybeans, the proposed base loan rates for 0 percent participation in Flex Fallow (otherwise known as full production) are set at 2000 levels. Participation in Flex Fallow is directly proportional to increased loan rates. For corn, wheat, and soybeans, loan rates increase by one percent for each one percent increase in conservation-use.

In 1999, the Food and Agricultural Policy Research Institute (FAPRI) completed an analysis of the Flex Fallow proposal. I believe the results were very promising. In years and regions (areas of the country with a wide basis) of low commodity prices, Flex Fallow encourages farmers to voluntarily set-aside land in turn for a higher loan rate. Yet in years of better commodity prices, farmers are inclined to produce for the market, planting most or all of their land to crop production. The reduced plantings in years of poor crop prices, like the last three years, would lead to higher crop prices. More specifically, reduced plantings in the first two years of the program would translate into the following higher crop prices. Corn prices rise 27 cents per bushel over current levels, soybean prices climb 44 cents per bushel, wheat prices recover 29 cents per bushel, and cotton prices rise 9 cents per pound. The FAPRI analysis predicts a commodity price recovery in the long-term, and the analysis found participation in Flex Fallow to decline after 2002.

While I work on this amendment to the current farm bill, I am absolutely open to other ideas and alternatives that revise our farm policy. Unlike the authors of the 1996 farm bill, I do not cling to a pride in authorship in a farm program. So, I want the opportunity to support as many viable alternatives as possible.

In summary, here are a few highlights of the Flex Fallow farm bill amendment I am introducing today. Flex Fallow is flexible and adjustable enough to meet the needs of individual farm operations. Flex Fallow is voluntary. Flex Fallow is market-oriented because it permits farmers the freedom to plant for marketplace conditions. Flex Fallow emphasizes conservation practices. Flex Fallow updates yield data and eliminates current base acres.

Flex Fallow targets disaster assistance to producers who suffer from weather-related crop loss and price collapse. Finally, Flex Fallow will result in a modest cost to taxpayers. The FAPRI analysis finds net Commodity Credit Corporation expenditures under Flex Fallow to compare with that of the 1996 farm bill without billion-dollar emergency spending additions.

In the coming months I anticipate a full airing of my Flex Fallow amendment to the farm bill, alongside other pieces of farm bill reform legislation that others in Congress may introduce. I expect to refine this proposal after discussing it further with farmers and farm organizations across South Dakota and the entire country. As a result, it is likely I will introduce another piece of legislation similar to Flex Fallow in the next session of Congress, wherein two other significant issues will be addressed.

First, of critical importance to me is the need to design a farm bill in the future that targets the benefits to family-sized farmers and ranchers. Too often, Congress and the Administration devise tactics to ignore and plow under the existing farm program payment limitations. If we have a limited amount of taxpayer funds in which to devote to price support for farmers, it simply makes sense to target those benefits to small and mid-sized family producers. While the amendment I introduce today does not alter current payments limits under the farm bill, I am a strong supporter of targeting. As such, I will work to place sensible, responsible, payment limitations that provide benefits to all but ensure targeted benefits to the small and mid-sized family farmers and ranchers who need and deserve greater attention from Congress.

Second, I believe Congress will be unable to develop a future farm bill without the support of those in the conservation and wildlife community. I am a strong supporter of conservation programs that protect sensitive soil and water resources, promote wildlife habitat, and provide farmers and landowners with benefits and incentives to conserve land. Flex Fallow can work very well with both short-term and longer-term conservation practices. It is my goal to bring conservation groups together with farm interests in order to develop a well-balanced approach to future farm policy that protects our resources while promoting family-farm agriculture.

Mr. President, I ask unanimous consent that the letter from Dr. Harl be printed in the RECORD at the end of my statement.

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

IOWA STATE UNIVERSITY
OF SCIENCE AND TECHNOLOGY,
Ames, IA, April 17, 2000.

Senator TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON: It is my understanding that legislation based on the

"Flexible-Fallow" concept developed and advanced by Craig Blindert and Phil Cyre of South Dakota is being prepared for introduction. I would like to write in strong support of the legislation and do so most enthusiastically.

Mr. Blindert called me in late 1998 with a request for a half day to discuss a farm bill proposal. I was extremely busy at the time but reluctantly agreed to set aside an afternoon in late December. As the proposal was explained, I could see that what Blindert and Cyre had developed was the missing link for the 1996 farm bill. I wrote in strong support of the proposal following that meeting—encouraging an analysis by the Food and Agriculture Policy Research Institute (FAPRI)—and am even more supportive today.

The weak element of the 1996 farm bill was the downside protection in the event of pressure on the supply side for commodities. A series of normal to good weather years, a drop of nearly 20 percent in exports and the relentless effects of technology have combined to produce very low prices for most crops.

What I find so appealing about the Blindert-Dyre proposal is that—(1) the proposal would function in a market-oriented manner; (2) it would be most appealing in the so-called "swing" areas which are expected to shift land use patterns when prices for intensively-produced crops are low and to return to such production when prices recover; (3) the proposal would self-correct when prices rise; (4) it would entail only a modest amount of administrative involvement on a discretionary basis; (5) it would enable producers to continue to make decisions based on their own situation, in a manner that makes economic sense to them; and (6) the cost would be modest to taxpayers and to consumers.

I would be pleased to respond further in support of the proposal. Mr. Blindert and Mr. Cyre are to be commended for developing what I believe would be an enormously helpful adjunct to the 1996 farm bill.

Sincerely,

NEIL E. HARL,
Charles F. Curtiss Distinguished Professor in Agriculture, Professor of Economics and Director, Center for International Agricultural Finance.

By Mr. REED (for himself and Mr. JEFFORDS):

S. 2819. To provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

THE HEALTH CARE CONSUMER ASSISTANCE ACT

Mr. REED. Mr. President, I am pleased to join my colleague Senator JEFFORDS today to introduce the Health Care Consumer Assistance Act. This important legislation seeks to address a significant problem that currently exists in the health insurance market, the lack of a reliable source of information and assistance for health care consumers.

In 1997, President Clinton's Health Quality Commission identified the need for consumer assistance programs that allow consumers access to accurate, easily understood information and get assistance in making informed decisions about health plans and pro-

viders. Earlier this month, the Henry J. Kaiser Family Foundation and Consumer Reports magazine released the results of a survey they conducted on consumer satisfaction with their health plans. Their survey is part of a larger project looking at ways to improve how consumers resolve problems with their health insurance plans. The survey found that while most people who experienced a problem with their plan were often able to resolve them, the majority of those surveyed were confused about where to go for information and help if they have a problem with their health plan. Eventhough a growing number of states have taken steps to give patients new rights in dealing with their health insurance plans, most consumers are either unaware or do not know how to exercise those rights.

The legislation I am introducing today with Senator JEFFORDS seeks to remedy this information gap by providing grants to states that wish to establish health care consumer assistance programs. These programs are designed to help consumers understand and act on their health care choices, rights, and responsibilities. Under this bill, the Secretary of Health and Human Services will offer states funds to create or contract with an independent, nonprofit agency to provide a variety of information and support services for health care consumers, including the following: educational materials for health care consumers about strategies to resolve problems and grievances; operate a 1-800 telephone hotline to respond to consumer inquiries; coordinate and make referral to other private and public health care entities when appropriate; conduct education and outreach in the community; and collect and disseminate data about nature of inquiries, problems and grievances handled by the program.

The concept of a health care consumer assistance program has already received considerable support and several states have taken the initiative to create these programs. Governors and state legislatures in many states including, Florida, Georgia, Massachusetts, Maryland, Nebraska, Nevada, Rhode Island, Texas, Vermont, Virginia and Wisconsin have introduced or enacted health care ombudsman legislation. While some states have successfully launched their programs, other state initiatives have faltered due to a lack of sufficient funding.

While important strides are being made to enhance health care consumer information and resources, clearly more needs to be done to expand access to these simple and cost-effective services to all Americans.

Mr. President, I believe that Americans deserve access to the information and assistance they need to be empowered and informed health care consumers. As the health insurance system becomes more confusing and complex, it is critically important that as consumers navigate this system, they

have a place where they can go for information, counseling and assistance. As health plan options become more complicated and the web of policies and principles governing those plans becomes more enmeshed, people need a reliable, accessible source of information, and state health care consumer assistance programs have proven their ability to meet this challenge. I look forward to working with my colleague, Senator JEFFORDS, in advancing this important and timely legislation.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD.

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

S. 2819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Consumer Assistance Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) People with health care insurance or coverage have many more options with respect to coverage of, payment or payments for, items, services or treatments. Also, their health plans, coverages, rights, and providers are frequently being reorganized, expanded, or limited.

(2) All consumers need information and assistance to understand their health insurance choices and to maximize their access to needed health services. Many do not understand their health care rights or how to exercise them, despite the current efforts of both the public and private sectors.

(3) Few people with health care coverage have independent credible sources of information or assistance to guide their decision-making or to help resolve problems.

(4) It is important to maintain and strengthen a productive working relationship between all consumers and their health care professionals and health insurance providers.

(5) Federally initiated health care consumer assistance and information programs targeted to consumers of long-term care and to medicare beneficiaries under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) are effective, as are a number of State and local consumer assistance initiatives.

(6) The principles, policies, and practices of health care providers for delivering safe, effective, and accessible health care can be enriched by State-based collaborative, independent education, problem resolution, and feedback programs. Health care consumer assistance programs have proven their ability to meet this challenge.

(7) Health care consumers want and need reliable information about their health care options that integrates data and effective resolution strategies from the full range of available resources. Health care consumer assistance programs can provide that reliable, problem-solving information to help in navigating the health care system.

(8) Health care delivered to individuals and within communities can be improved by collecting and examining consumers' experiences, questions, and problems and the ways in which their questions and problems are resolved. Health care consumer assistance programs can educate and inform consumers to be more effective, self-directed health care consumers.

(9) Many states have created health care consumer assistance programs. The Federal

Government can assist the States in developing and maintaining effective health care consumer assistance programs.

SEC. 3. GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall award grants to States to enable such States to establish and administer (including the administration of programs established by States prior to the enactment of this Act) consumer assistance programs designed to provide information, assistance, and referrals to consumers of health insurance products.

(b) STATE ELIGIBILITY.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a State plan that describes—

(1) the manner in which the State will establish, or solicit proposals for, and enter into a contract with, an entity eligible under subsection (d) to serve as the health care consumer assistance office for the State;

(2) the manner in which the State will ensure that the health care consumer assistance office will assist health care consumers in accessing needed care by educating and assisting health insurance enrollees to be responsible and informed consumers;

(3) the manner in which the State will coordinate and distinguish the services provided by the health care consumer assistance office with the services provided by the long-term care ombudsman authorized by the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the State health insurance information program authorized under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b-4), the protection and advocacy program authorized under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and any other programs that provide information and assistance to health care consumers;

(4) the manner in which the State will coordinate and distinguish the health care consumer assistance office and its services from enrollment services provided under the Medicaid and State children's health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), and Medicare and Medicaid health care fraud and abuse activities including those authorized by Federal law under title 11 of the Social Security Act (42 U.S.C. 1301 et seq.);

(5) the manner in which the State will provide services to underserved and minority populations and populations residing in rural areas;

(6) the manner in which the State will establish and implement procedures and protocols to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office established under subsection (d)(1) and to ensure that no such information is used, released or referred without the express permission of the consumer, except to the extent that the office collects or uses aggregate information as described in section 4(c)(8);

(7) the manner in which the State will provide for the collection of non-Federal contributions for the operations of the office in an amount that is not less than 30 percent of the amount of Federal funds provided under this Act; and

(8) the manner in which the State will ensure that funds made available under this Act will be used to supplement, and not supplant, any other Federal, State, or local funds expended to provide services for programs described under this Act and those described in paragraphs (3) and (4).

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—From amounts appropriated under section 4 for a fiscal year, the Secretary shall award a grant to a State in an amount that bears the same ratio to such amounts as the number of individuals within the State covered under a health insurance plan (as determined by the Secretary) bears to the total number of individuals covered under a health insurance plan in all States (as determined by the Secretary). Any amounts provided to a State under this section that are not used by the State shall be remitted to the Secretary and reallocated in accordance with this paragraph.

(2) MINIMUM AMOUNT.—In no case shall the amount provided to a State under a grant under this section for a fiscal year be less than an amount equal to .5 percent of the amount appropriated for such fiscal year under section 5.

(d) PROVISION OF FUNDS FOR ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—From amounts provided under a grant under this section, a State shall, directly or through a contract with an independent, nonprofit entity with demonstrated experience in serving the needs of health care consumers, provide for the establishment and operation of a State health care consumer assistance office.

(2) ELIGIBILITY OF ENTITY.—To be eligible to enter into a contract under paragraph (1), an entity shall demonstrate that the entity has the technical, organizational, and professional capacity to deliver the services described in section 4 throughout the State to all public and private health insurance consumers.

SEC. 4. USE OF FUNDS.

(a) BY STATE.—

(1) IN GENERAL.—A State shall use amounts received under a grant under this Act to establish and operate of a health insurance consumer assistance office as provided for in this section and section 3(d).

(2) NONCOMPLIANCE.—If the State fails to enter into or renew a contract for the operation of a State health insurance consumer assistance office, the Secretary shall reallocate amounts to be provided to the State under this Act.

(b) BY ENTITY.—An entity that enters into a contract with a State under section 3(d) shall use amounts received under the contract to establish and operate a health insurance consumer assistance office.

(c) ACTIVITIES OF OFFICE.—A health insurance consumer assistance office established under this Act shall—

(1) operate a toll-free telephone hotline to respond to requests for information and assistance with health care problems and assist all health insurance consumers to navigate the health care system;

(2) acquire or produce and disseminate culturally and language appropriate educational materials concerning health insurance products available within the State, how best to access health care, and the rights and responsibilities of the health care consumer;

(3) educate health care consumers about strategies that such consumers can implement to promptly and efficiently resolve inquiries, problems, and grievances related to health insurance and access to health care;

(4) refer health care consumers to appropriate private and public entities so that inquiries, problems, and grievances with respect to health insurance and access to health care can be handled promptly and efficiently;

(5) coordinate with health organizations in the State, State health-insurance related agencies, and State organizations responsible for administering the programs de-

scribed listed in paragraphs (3) and (4) of section 3(b) so as to maximize the ability of consumers to resolve health care questions and problems and achieve the best health care outcomes;

(6) conduct education and outreach within the State in partnership with consumers, health plans, health care providers, health care payers and governmental agencies with health oversight responsibilities;

(7) provide information to consumers about an internal, external, or administrative grievance or appeals procedure (in nonlitigative settings) to appeal the denial, termination, or reduction of health care services, or the refusal to pay for such services, under a health insurance plan; and

(8) provide information to State agencies, employers, health plans, insurers, and the general public concerning the kinds of inquiries, problems, and grievances handled by the office.

(d) CONFIDENTIALITY AND ACCESS TO INFORMATION.—The health insurance consumer assistance office of a State shall establish and implement procedures and protocols to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office and to ensure that no such information is used, released or referred to State agencies or outside entities without the expressed permission of the consumer, except to the extent that the office collects or uses aggregate information described in subsection (c)(8).

(e) AVAILABILITY OF SERVICES.—The health insurance consumer assistance office of a State shall not discriminate in the provision of information and referrals regardless of the source of the individual's health insurance coverage or prospective coverage, including individuals covered under employer-provided insurance, self-funded plans, the Medicare or Medicaid programs under title XVII or XIX of the Social Security Act (42 U.S.C. 1395 and 1396 et seq.), or under any other Federal or State health care program.

(f) DESIGNATION OF RESPONSIBILITIES.—

(1) WITHIN EXISTING STATE ENTITY.—If the health insurance consumer assistance office of a State is located within an existing State regulatory agency or office of an elected State official, the State shall ensure that—

(A) there is a separate delineation of the funding, activities, and responsibilities of the office as compared to the other funding, activities, and responsibilities of the agency; and

(B) the office establishes and implements procedures and protocols to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office and to ensure that no information is transferred or released to the State agency or office without the expressed permission of the consumer.

(2) CONTRACT ENTITY.—In the case of an entity that enters into a contract with a State under section 3(d), the entity shall provide assurances that the entity has no real or perceived conflict of interest in providing advice and assistance to consumers regarding health insurance and that the entity is independent of health insurance plans, companies, providers, payers, and regulators of care.

(g) SUBCONTRACTS.—The health insurance consumer assistance office of a State may carry out activities and provide services through contracts entered into with 1 or more nonprofit entities so long as the office can demonstrate that all of the requirements of this Act are complied with by the office.

(i) TRAINING.—

(1) IN GENERAL.—The health insurance consumer assistance office of a State shall ensure that personnel employed by the office

possess the skills, expertise, and information necessary to provide the services described in subsection (c).

(2) **CONTRACTS.**—To meet the requirement of paragraph (1), an office may enter into contracts with 1 or more nonprofit entities for the training (both through technical and educational assistance) of personnel and volunteers. To be eligible to receive a contract under this paragraph, an entity shall be independent of health insurance plans, companies, providers, payers, and regulators of care.

(3) **LIMITATION.**—An amount not to exceed 7 percent of the amount awarded to an entity under a contract under section 3(d) for a fiscal year may be used for the provision of training under this section.

(j) **ADMINISTRATIVE COSTS.**—An amount not to exceed 1 percent of the amount of a grant awarded to the State under this Act for a fiscal year may be used by the State for administrative expenses.

(k) **TERM.**—A contract entered into under this section shall be for a term of 3 years.

SEC. 5. FUNDING.

There are authorized to be appropriated \$100,000,000 to carry out this Act.

SEC. 6. REPORT OF THE SECRETARY.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report that contains—

(1) a determination by the Secretary of whether amounts appropriated to carry out this Act for the fiscal year for which the report is being prepared are sufficient to fully fund this Act in such fiscal year;

(2) with respect to a fiscal year for which the Secretary determines under paragraph (1) that sufficient amounts are not appropriated, the recommendations of the Secretary for fully funding this Act through the use of additional funding sources; and

(3) information on States that have been awarded a grant under this Act and a summary of the activities of such States and the data that is produced.

Mr. JEFFORDS. Mr. President, I am here today to join in introducing the Health Care Consumer Assistance Act. This important bill has been crafted to help Americans navigate our increasingly complex and ever changing health care system. I want to recognize the leadership of Senator JACK REED in bringing this issue forward for consideration.

Americans need and want help with their health care. In a recent national survey, Consumers Report and the Kaiser Family Foundation learned that half of all managed care plan members have had a problem with their plan in the last year. The vast majority of those "problems" were minor and successfully resolved in a very short period of time. However, a large number of Americans report significant financial consequences, lost time at work, or actual health declines as a result of these disputes.

The same survey reports that 84% of Americans want "an independent place to turn for help" with their health care rights. In fact, Americans prefer, by a wide margin, an independent source of help, as provided for in the Health Care Consumer Assistance Act, rather than a right to sue.

Three years ago, my own state recognized that Vermonters needed an inde-

pendent program to help them navigate the complex health care delivery system. The state offices of the Division of Banking and Insurance and the Office of Vermont Health Access (our Medicaid agency) jointly administer the Vermont Ombudsman. It has helped Vermonters find care providers and use appeal procedures.

It is time for the federal government to play a constructive role in aiding states like Vermont that will answer the needs of their citizens for a consumer-focused, consumer-directed health care assistance program. This bill builds on the existing state-based programs to provide an office that provides consumers with the basic and credible information they want and need to make all kinds of important health care decisions.

The bill gives each State the opportunity to design a consumer assistance program that meets local needs. At the same time, the grant program calls upon the state to coordinate this overall health care consumer assistance office's activities with its existing consumer assistance offices such as the long-term care Ombudsman program for long term care consumers and its work in registering children and families for S-CHIP.

Access to quality health care services is a priority for every American family, every state, and this nation. It is clearly time for a federal commitment to help families get the health care information and assistance they want and need.

Once again, I want to thank Senator REED for this bipartisan effort on such important health legislation. Health care consumers, plans, providers, and states will be well served by enacting our legislation as soon as possible.

By Mr. HOLLINGS (by request):

S. 2820. A bill to provide for a public interest determination by the Consumer Product Safety Commission with respect to repair, replacement, or refund actions, and to revise the civil and criminal penalties, under both the Consumer Product Safety Act and the Federal Hazardous Substances Act; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER PRODUCT SAFETY COMMISSION ENHANCED ENFORCEMENT ACT

Mr. HOLLINGS. Mr. President, I rise to introduce at the request of the Administration and the Consumer Product Safety Commission (CPSC), the Consumer Product Safety Commission Enhanced Enforcement Act of 2000. This legislation is designed to enhance the authority of the CPSC to prevent the manufacture and sale of defective products.

The legislation seeks to accomplish this goal in two significant ways. First, it proposes to remove the cap that exists under current law on the maximum civil penalty that can be assessed to companies that market products in violation of federal consumer product safety regulations. Currently,

the maximum civil penalty that can be assessed to companies that violate consumer product safety laws is \$1,650,000, a figure that is less than the amount that generally could be assessed by the CPSC. According to the agency, in many instances, it seeks penalties against very large companies, which likely are not deterred by the \$1,650,000 cap. Second, the legislation proposes to increase the CPSC's authority over recalls by authorizing the Commission to determine the manner in which a defective product is to be corrected. Currently, a company that has marketed a defective product has the right to determine the remedy that is offered to the public, regardless of whether the selected remedy is the most effective solution. The proposed legislation alters this situation by permitting the CPSC to choose the remedy that is best suited to protect the public as opposed to the company.

For these reasons, Mr. President, I am pleased to introduce this act on behalf of the Administration and the CPSC.

By Mr. GRAHAM (for himself,
Mr. DEWINE, Mr. MOYNIHAN, Mr.
GRASSLEY, Mr. DODD, Mr.
COVERDELL, and Mr. BIDEN):

S. 2823. A bill to amend the Andean Trade Preference Act to grant certain benefits with respect to textile and apparel, and for other purposes; to the Committee on Finance.

THE PLAN COLOMBIA TRADE ACT

• Mr. GRAHAM. Mr. President, I rise today, joined by Senators DEWINE, MOYNIHAN, GRASSLEY, DODD, COVERDELL, and BIDEN, to introduce the Plan Colombia Trade Act, a bill that would provide additional trade benefits to the nations of the Andean Trade Pact, which includes Bolivia, Colombia, Ecuador and Peru.

This bill is an important component of Plan Colombia, which seeks to address not only the nation's crisis with respect to massive narcotrafficking and insurgent and paramilitary forces, but also focuses on Colombia's deep economic recession. The bill is consistent with U.S. policy of promoting trade and combating drugs on a regional basis, thereby ensuring that U.S. benefits and assistance provided to one nation do not adversely affect other nations in the immediate region. Such a strategy is the only way to avoid what is often described as the "balloon effect," which has meant that the drug problem, at best, is displaced from one location to another. Finally, the bill would re-assert our commitment to promote economic growth and regional stability throughout the Andean region, and to provide alternatives to the cultivation and exportation of illegal narcotics.

Passage of this legislation by the Senate will signal the United States' support of the Andean Trade Pact's economic reform efforts, and will boost the confidence of both domestic and international investors in pursuing

business opportunities that create jobs and enhance international trade in the Andean region, particularly in Colombia. In addition, this bill would ensure that U.S. trade with these important nations is not adversely affected by the recent passage of the "Trade and Development Act of 2000," which provided significant trade benefits to the Caribbean Basin.

To briefly summarize, the "Plan Colombia Trade Act," would extend, for approximately one year, additional trade benefits to Bolivia, Colombia, Ecuador, and Peru—nations that currently benefit from the Andean Trade Preferences Act of 1991 (commonly known as the ATPA). New trade benefits would include some—but not all—trade benefits extended to the nations of the Caribbean Basin under the "Trade and Development Act of 2000," which was signed by the President on May 18, 2000. Specifically, the bill would extend duty-free, quota-free treatment to apparel articles assembled or cut in ATPA beneficiary nations using yarns and fabric wholly formed in the United States, thereby achieving a measure of parity with the CBI nations, as well as expanding an important source of economic and employment growth for the U.S. textile and apparel industry.

In its March 2000 interim report, "First Steps Toward a Constructive U.S. Policy in Colombia," a Council on Foreign Relations/Inter-American Dialogue Independent Task Force—which I co-chair with Brent Scowcroft—recommended the extension of the ATPA, to include the same benefits as those contained under the Caribbean Basin Initiative. Specifically, we recommended the following:

Indeed, Colombia's economic well-being is absolutely critical, and in this area the United States can be more helpful. Perhaps even more important than providing increased assistance to the Colombian government to support employment programs is assuring Colombia greater access to U.S. markets for its products. Extending trade-related benefits to Colombia would have a positive impact on the country's prospects for higher growth and employment levels.

Although the bill provides benefits to all ATPA beneficiaries, it is particularly critical to Colombia, which in 1998 exported 59 percent of all textiles and apparel from the Andean region to the U.S., two-thirds of which were assembled and/or cut from U.S. yarns and fabric.

This legislation addresses an important, albeit unintentional, contradiction in U.S. policy towards Colombia. With the recent passage of enhanced trade benefits to the countries of Caribbean Basin Initiative, Colombia stands to lose up to 150,000 jobs in the apparel industry. At least ten (10) U.S.-based companies that purchase apparel from Colombian garment manufacturers have already indicated their near-term intentions to shift production to CBI countries due to the significant cost savings associated with the new trade benefits afforded to the Caribbean basin. Some of these U.S. compa-

nies have utilized Colombia as a manufacturing base for over ten (10) years, providing desperately needed legitimate employment in the Colombian economy.

In summary, the immediate reaction of these companies to enhanced Caribbean trade benefits clearly demonstrates the negative effects of the CBI legislation on Colombia. It would be foolish for the Congress to approve a comprehensive aid package for Colombia, while simultaneously implementing legislation that puts tens of thousands of Colombians out of work. This bill will address that critical, unintended contradiction.

On a more comprehensive scale, passage of this legislation is critical to ensure that all nations in the Western Hemisphere can maintain their long-term competitiveness with Asian nations, particularly in the textile industry. At present, the textile products of most Asian nations are subject to quotas imposed by the Multi-Fiber Agreement, now known as the Agreement on Textiles and Clothing. This restriction on Asian textiles has enabled the nations of the Western Hemisphere to remain competitive, and further, the Andean region—specifically Colombia—has become a significant market for fabric woven in U.S. mills from yarn spun in the U.S., originating from U.S. cotton growers.

However, in 2005, these Asian import quotas will be phased out. At that time, textile production in both the Andean region and the Caribbean basin will be placed at a distinct and growing disadvantage. Disinvestment in the region will occur, reducing the incentive to use any material from U.S. textile mills or cotton grown in the United States.

BACKGROUND

Seventeen years ago, the U.S. Congress passed the first legislation to provide trade preferences to the twenty-seven countries of the Caribbean Basin. In 1983, the Caribbean Basin was a region inflamed with violent conflict and rampant drug trafficking that threatened the political and economic stability of our closest neighbors, as well as our own national security. The primary goal of the Caribbean Basin Initiative (CBI) was to stabilize the region by building stronger and more diverse economies, encouraging growth in international trade, developing a strong economic relationship between the U.S. and the region, and creating employment opportunities in the legitimate economy as an alternative to drug trafficking.

Following enactment of CBI, the U.S. trade position with the region improved from a deficit of \$3 billion in 1983, to a surplus of nearly \$3.5 billion in 1998. Between 1983 and 1998, U.S. exports to the region increased fourfold, while total imports from the region grew by less than 20 percent. On a per capita basis, the U.S. trade surplus with the region has consistently outpaced the U.S. trade surplus with any

other region of the world—in fact, since 1995, U.S. exports to the CBI region have increased by almost 32 percent.

In 1991, after 8 years of resounding success in the CBI region, Congress passed the ATPA, providing CBI-like trade benefits to the countries of Bolivia, Colombia, Ecuador and Peru. In the nine years following enactment of ATPA, U.S. exports to the Andean region have more than doubled—from \$3.8 billion in 1991 to over \$8.6 billion in 1998. U.S. exports to Colombia account for over half of this increase, growing from \$2 billion in 1991 to \$4.8 billion in 1998. During the same time period, Andean exports to the U.S. increased by almost 80 percent. In addition, in 1998, the U.S. achieved a \$309 million trade surplus with the ATPA nations. Under ATPA, Bolivia, Colombia, Ecuador, and Peru enjoyed the same trade benefits that we had extended to the CBI region. However, on May 18, 2000, the President signed the "Trade and Development Act of 2000," which extended additional trade benefits—particularly with respect to textiles and apparel—to the nations of the CBI region. Therefore, our Andean trading partners are now likely to lose significant trade and investment opportunities that will shift to the CBI, given the additional trade benefits included in the "Trade and Development Act of 2000."

NEED FOR THE "PLAN COLOMBIA TRADE ACT"

The United States is at now a critical juncture with its neighbors in the Andean region. As was demonstrated by the recent passage of the "Trade and Development Act of 2000," it is clear that we must continue enhance our trading relationship with our partners in the Caribbean and the Andean region.

In particular, these additional trade benefits should be extended to Colombia, which is currently fighting a war for the survival of its democratic institutions, its free market economy and for the future of its people. Those challenging Colombia's future include drug traffickers, guerilla groups (the FARC and the ELN) and other elements of society who seek to foster instability and fear. A comprehensive strategy in response to the crisis is essential for Colombia.

The government of Colombia, therefore, has formulated Plan Colombia. The United States government, in turn, has responded generously to Colombia's needs by considering a supplemental appropriations package of more than \$1.6 billion to help the country in this time of crisis. This will supplement over \$4.0 billion being spent by Colombia itself.

Fundamental to Plan Colombia (and to the government's ability to succeed in its efforts to safeguard the country) will be efforts to encourage economic growth and provide jobs to the Colombian people. Today in Colombia more than one million people are displaced, the unemployment rate is nearly 20 percent and Colombia is experiencing

the worst recession in 70 years. Without new economic opportunities, more and more Colombians will turn to illicit activities to support their families or seek to join the growing numbers of people who are leaving the country to find a better, safer future for their families.

Measuring both imports and exports, Colombia is by far the most important U.S. trade partner in the ATPA region. In 1998, over 53 percent of U.S. exports to the Andean region went to Colombia, and over 53 percent of U.S. imports from the Andean region originated from Colombia.

Mr. President, to promote economic growth and regional stability, the Congress must consider additional trade measures that benefit the entire Andean region. Therefore, Congress should grant CBI parity to the ATPA beneficiaries, specifically with respect to textiles and apparel. During 1999, Colombia and its Andean neighbors exported approximately \$562 million in textiles and apparel to the United States. While insignificant in comparison to the \$8.4 billion in textile and apparel exports originating in the CBI region, Andean textile and apparel production sustains more than 200,000 jobs in Colombia alone—valuable jobs in the legitimate economy. Absent CBI parity, the Andean region will find itself at a significant competitive disadvantage with the 27 countries of the CBI region.

Mr. President, upon final passage of CBI enhancement legislation, I stated that we had initiated the process of establishing true “partnership for success” with some of our most important neighbors. Although that legislation was a good start, it was only the beginning. I urge my colleagues to look towards the future by supporting the “Plan Colombia Trade Act,” and by taking advantage of the real economic benefits that can be achieved by further enhancing our relationship with all of the nations of the Western Hemisphere.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Plan Colombia Trade Act”.

SEC. 2. TEMPORARY EXTENSION OF ADDITIONAL TRADE BENEFITS TO CERTAIN ANDEAN COUNTRIES.

(a) IN GENERAL.—Section 204(b) of the Andean Trade Preference Act (19 U.S.C. 3203(b)) is amended to read as follows:

“(b) EXCEPTIONS TO DUTY-FREE TREATMENT.—

“(1) IN GENERAL.—Subject to paragraphs (2), the duty-free treatment provided under this title shall not apply to—

“(A) textile and apparel articles which are subject to textile agreements;

“(B) footwear not designated at the time of the effective date of this Act as eligible for

the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

“(C) tuna, prepared or preserved in any manner, in airtight containers;

“(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

“(E) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply;

“(F) articles to which reduced rates of duty apply under subsection (c);

“(G) sugars, syrups, and molasses classified in subheadings 1701.11.03, 1701.12.02, 1701.99.02, 1702.90.32, 1806.10.42, and 2106.90.12 of the HTS; or

“(H) rum and tafia classified in subheading 2208.40.00 of the HTS.

“(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

“(A) ARTICLES COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following articles:

“(i) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY COUNTRIES.—Apparel articles assembled in one or more beneficiary countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, that are—

“(I) entered under subheading 9802.00.80 of the HTS; or

“(II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

“(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN ONE OR MORE BENEFICIARY COUNTRIES.—Apparel articles cut in one or more beneficiary countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in one or more such countries with thread formed in the United States.

“(iii) SPECIAL RULES.—

“(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, ‘bow buds’, decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and are used in the production of brassieres.

“(bb) In the case of an article described in clause (ii) of this subparagraph, sewing thread shall not be treated as findings or trimmings under this subclause.

“(II) CERTAIN INTERLINING.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

“(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, ‘hymo’ piece, or ‘sleeve header’, of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

“(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

“(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains fibers or yarns not wholly formed in the United States or in one or more beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

“(IV) SPECIAL ORIGIN RULE.—An article otherwise eligible for preferential treatment under clause (i) or (ii) of this subparagraph shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn) that is classifiable under subheading 5402.10.30, 5402.10.60, 5402.31.30, 5402.31.60, 5402.32.30, 5402.32.60, 5402.41.10, 5402.41.90, 5402.51.00, or 5402.61.00 of the HTS duty-free from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995.

“(iv) SPECIAL RULE FOR FABRICS NOT FORMED FROM YARNS.—

“(I) APPLICATION TO CLAUSE (i).—An article otherwise eligible for preferential treatment under clause (i) of this subparagraph shall not be ineligible for such treatment because the article is assembled in one or more beneficiary countries from fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States.

“(II) APPLICATION TO CLAUSE (ii).—An article otherwise eligible for preferential treatment under clause (ii) of this subparagraph shall not be ineligible for such treatment because the article is assembled in one or more beneficiary countries from fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States.

“(B) PREFERENTIAL TREATMENT.—During the transition period, the articles to which this paragraph applies shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels.

“(C) TRANSITION PERIOD.—In this paragraph, the term ‘transition period’ means, with respect to a beneficiary country, the period that begins on the date of enactment of the Plan Colombia Trade Act or October 1, 2000, whichever is later, and ends on the date that duty-free treatment ends under this title.”.

(b) FACTORS AFFECTING DESIGNATION.—

(1) IN GENERAL.—Section 203(d) of the Andean Trade Preference Act (19 U.S.C. 3202(d)) is amended—

(A) by striking “and” at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting “; and”; and

(C) by adding at the end the following:

“(13) the extent to which such country adheres to democratic principles and the rule of law.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the earlier of—

(A) October 1, 2000; or

(B) the date of enactment of the Plan Colombia Trade Act.●

Mr. GRASSLEY. Mr. President, I rise today to co-sponsor the Plan Colombia Trade Act along with my colleague, Senator BOB GRAHAM. This important bill will supplement Plan Colombia by expanding trade benefits to the countries of Colombia, Bolivia, Ecuador and Peru.

Plan Colombia is an important package that provides about a billion dollars to the government of Colombia, and other countries in that region. These funds will go to fight drugs, eradicate the crops which create them, and provide for alternative development. Unfortunately, Plan Colombia does not provide for an important measure that we can do to help these countries, that is to stimulate their economy. We can achieve this by passing the Plan Colombia Trade Act, which will provide assistance to develop their textile and apparel industries.

Developing the apparel industry of these countries will encourage global trade, and offer the good people of that region a future filled with prosperity. Additionally, the trade benefits outlined in this bill will enhance peace, stability, and prosperity in that region, which will ultimately yield a better quality of life for all involved. This bill will not only benefit the struggling economies of Colombia, Bolivia, Ecuador, and Peru, but will advance the economy of the United States as well.

As important as the assistance package to Colombia is, most of the money we provide will not reach ordinary Colombians. They also are engaged in the effort to combat illegal drugs. We need to ensure that they are not penalized for doing so. The current bill helps us help Colombians not with cash but with opportunity. It preserves legitimate jobs in a country sorely beset with problems.

Most garments that are produced in Colombia are subject to a 20–30% duty rate upon importation into the U.S. As an example, swimsuits are subject to a duty rate of 33%. By granting duty-free and quota-free benefits to apparel assembled in these countries from U.S. made yarn, and U.S. made fabric, these countries will now be able to compete with other developing countries that currently enjoy duty-free and quota-free benefits. It will also afford them the opportunity to participate in the global economy. This will encourage additional export of U.S. made cotton and yarn, stimulate U.S. investment in the region and create needed jobs as well.

This bill is an opportunity to help rebuild a region which has been plagued by the drug trade. We can assist these countries, not by giving them more money, but by providing these enhanced trade opportunities. By helping

our neighbors in the south to maintain political and economic stability, we will in effect be securing the National Security of the United States. This legislation will provide these countries with the opportunity build their industry and their struggling economies and will improve the quality of their everyday lives.

I urge my colleagues to support this important bill which will have a positive effect on the prosperity of our neighbors in Colombia, Ecuador, Bolivia, and Peru.

By Mr. ROCKEFELLER (for himself, Mr. JEFFORDS, and Mr. BREAUX):

S. 2825. A bill to strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work; to the Committee on Finance.

THE TAX RELIEF FOR WORKING FAMILIES ACT OF 2000

Mr. ROCKEFELLER. Mr. President, I am proud to be joined by Senators JEFFORDS and BREAUX in introducing the Tax Relief for Working Families Act of 2000. This bipartisan bill is designed to strengthen the effectiveness of the Earned Income Tax Credit (EITC) in reducing child poverty and promoting work.

Our bill will increase the EITC for families with three or more children. Families could qualify for almost an additional \$500. Obviously, raising a large family costs more, and these families have a higher poverty rate of 29 percent, more than double the poverty rate of children in smaller families. Nearly three out of every five poor children live in families with three or more children.

A report by the Committee for Economic Development found that the "EITC has become a powerful force in dramatically raising the employment of low-income women in recent years." The report also recommended further expansions of the EITC. Since research shows that larger families have greater problems leaving welfare for work, this legislation should build upon our welfare reform efforts.

But even more compelling than national statistics are the real stories from West Virginia families. One woman in Huntington, West Virginia is struggling to raise five daughters and care for her husband who was disabled in a roofing accident. That family is managing on approximately \$13,000 a year. She works the night shift, but must currently rely on the public bus. Her shift begins at midnight, but the last bus is at 9:00 p.m. so she takes the earlier bus, and spends several hours waiting for her shift instead of having time with her family. Last year, she used the EITC to pay her bills, including a winter coat for one of her daughters. With an increase, she hopes to save for a used car.

Another West Virginia mother is recently divorced and struggling to raise four sons, ranging in age from sixteen

to seven. Her 16-year-old son has Downs Syndrome. Last year she earned \$13,800 and she used her EITC to purchase a used van so she would have reliable transportation for her 50-mile commute to work. Another year, the EITC helped pay for new mattresses for her children's beds. With an increase, she'd like to save a little money in case of an emergency or for better housing.

These are real stories of real families who are working hard to make ends meet but need and deserve more help.

This is a bipartisan bill. We have closely consulted with leading groups like the Center on Budget and Policy Priorities, Catholic Charities U.S.A., the United Way of America, and the Progressive Policy Institute.

In addition to increasing the EITC available to large families, our bill includes several bipartisan provisions to simplify the credit by conforming the definition of earned income and simplifying the definition of a dependent child.

Some may question the cost of expanding the EITC, but I believe, compared to other tax proposals such as providing additional marriage tax relief, investing an additional \$8 billion over the next five years is a reasonable investment to help low-wage working families. Most of these families are married. All are struggling, but working hard to do the right thing for their children. In its letter supporting our efforts, Catholic Charities U.S.A. describes our legislation is "pro-family, pro-marriage, and pro-work."

During the 1998 tax year, over 19 million working Americans got \$30.5 billion in tax relief, thanks to the EITC. In my state, about 141,000 West Virginians claimed \$210.7 million. About nineteen percent of West Virginia taxpayers benefit from the EITC. In my state, 84 percent of taxpayers earn less than \$50,000. I believe that this legislation to expand the EITC for families with three or more children will help more West Virginians than many of the other, more expensive provisions under consideration as part of the marriage penalty relief debate.

We know that the EITC works. It encourages work, and it helps lift families out of poverty. I urge my colleagues to join with Senators JEFFORDS and BREAUX to help hard working families raise their children.

Mr. JEFFORDS. Mr. President, I am pleased today to join with Senators ROCKEFELLER and BREAUX to introduce a bill that will provide a third-tier earned income tax credit (EITC) for families with three or more children. I believe that the additional tax credit provided by this bill could be of significant help to working low-income families.

The EITC is a refundable tax credit to low-income families. It is only available to taxpayers who work and earn wages. Indeed, the EITC was enacted to encourage taxpayers to work—even at low-paying jobs—rather than relying on government programs. The EITC

has played a key role in reducing the poverty rate for families. By some estimates, it has been the single most important factor in removing children from poverty.

As currently structured, the EITC provides a credit to families with one child, and a higher credit to families that have two or more children. Families with three or four children receive the same EITC as families with two children.

For low-income families of four, we have seen significant progress in reducing the incidence of poverty. The combination of the minimum wage, the EITC, and food stamps can raise a family of four with a full-time year-round minimum wage worker close to the poverty line. But poverty persists in large families where there are more than two children. In families with three or more children, the official poverty rate is 29 percent—twice the rate for families with two children. While children in families with three or more children were 37 percent of all children in the United States in 1998, they comprised 57 percent of the children living in poverty.

It is not surprising that reducing poverty is more problematic in large families. As family size rises, so do family expenses. Welfare benefits increase with family size; wages, however, do not. For a large family, moving from welfare to work may actually mean less money. In addition, with more children, child care is not only more expensive, it is also more complicated.

With surplus projections now reaching \$1.7 trillion, there are a whole host of tax reform proposals—many meritorious—circulating on Capitol Hill. In the debate about tax cuts, we must not lose sight of our most vulnerable workers. We should build on the proven success of the EITC to help these workers. I believe a larger earned income tax credit for families with three or more children will help put more low-income families on the path to self-sufficiency, while at the same time helping welfare reform succeed.

By Mr. SANTORUM (for himself and Mr. ROCKEFELLER):

S. 2826. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the Medicare Program; to the Committee on Finance.

THE MEDICARE ADULT DAY SERVICES
ALTERNATIVE ACT

Mr. SANTORUM. Mr. President, as this Congress continues to deliberate options of how best to care for our senior population, it is critical to consider, as well, the role that caregivers play in accommodating the delivery of such care to loved ones. Family caregivers are often forced to make difficult sacrifices. By just one measure, it is estimated that the average loss of income to these caregivers is more than \$600,000 in wages, pensions and Social Security benefits. This does not have to be the case, though.

It does not have to be the case with the choices afforded by legislation I am pleased to be introducing today along with Senator ROCKEFELLER of West Virginia aimed at reforming Medicare's home health benefit. The Medicare Adult Day Services Alternative Act of 2000 would provide Medicare beneficiaries who qualify for home health benefits the choice to receive those services in qualified adult day care centers, and simultaneously assist family caregivers with the very real difficulties in caring for a homebound family member.

It is with America's Medicare beneficiaries and family caregivers in mind which makes the Medicare Adult Day Services Alternative Act a winner for Medicare, for patients and for their caregivers. First, it would allow patients to receive home health services in a setting that promotes rehabilitation by providing social interaction, meals and therapeutic activities above and beyond the provision of the prescribed home health benefit. Second, caregivers for homebound patients would be able to maintain employment outside of the home because they would know that their family member is in a healthy, protected environment during the day.

With this legislation, patients could elect to receive some, or all, of their home health benefit in a home or an adult day care congregate setting. I think my colleagues would agree with me that the opportunity to interact with others with similar needs can improve patients' mental and physical well-being. While not expanding the existing eligibility criteria for home health, this legislation offers Medicare beneficiaries a greater sense of autonomy afforded by receiving necessary care outside of their homes.

The adult day care center would be paid 95% of the rate paid to a home health agency for providing the Medicare-covered service. But within that lump-sum payment, the adult day care center would also be required to cover transportation, medication management, therapeutic activities, and meals.

The Medicare Adult Day Services Alternative Act recognizes the benefit that will come to family members of Medicare recipients of this service. These caregivers will be able to attend to other things in today's fast-paced family life, knowing their loved ones are well cared for. This creative solution to health care delivery also adequately reimburses providers and is designed to be budget neutral.

I hope that members on both sides of the aisle will join me in advancing this important issue for Medicare beneficiaries and their families. As this Congress considers various proposals to improve Medicare's home health benefit, this proposal deserves the serious attention and consideration of my colleagues. I look forward to working with them to enact this pro-beneficiary, potentially cost-saving reform legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Adult Day Services Alternative Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) adult day care offers services, including medical care, rehabilitation therapies, dignified assistance with activities of daily living, social interaction, and stimulating activities, to seniors who are frail, physically challenged, or cognitively impaired;

(2) access to adult day care services provides seniors and their familial caregivers support that is critical to keeping the senior in the family home;

(3) more than 22,000,000 families in the United States serve as caregivers for aging or ailing seniors, nearly 1 in 4 American families, providing close to 80 percent of the care to individuals requiring long-term care;

(4) nearly 75 percent of those actively providing such care are women who also maintain other responsibilities, such as working outside of the home and raising young children;

(5) the average loss of income to these caregivers has been shown to be \$659,130 in wages, pension, and Social Security benefits;

(6) the loss in productivity in United States businesses ranges from \$11,000,000,000 to \$29,000,000,000 annually;

(7) the services offered in adult day care facilities provide continuity of care and an important sense of community for both the senior and the caregiver;

(8) there are adult day care centers in every State in the United States and the District of Columbia;

(9) these centers generally offer transportation, meals, personal care, and counseling in addition to the medical services and socialization benefits offered; and

(10) with the need for quality options in how to best care for our senior population about to dramatically increase with the aging of the baby boomer generation, the time to address these issues is now.

SEC. 3. COVERAGE OF SUBSTITUTE ADULT DAY CARE SERVICES UNDER MEDICARE.

(a) **SUBSTITUTE ADULT DAY CARE SERVICES BENEFIT.**—

(1) **IN GENERAL.**—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended—

(A) in the matter preceding paragraph (1), by inserting "or (8)" after "paragraph (7)";

(B) in paragraph (6), by striking "and" at the end;

(C) in paragraph (7), by adding "and" at the end; and

(D) by inserting after paragraph (7), the following new paragraph:

"(8) substitute adult day care services (as defined in subsection (uu));".

(2) **SUBSTITUTE ADULT DAY CARE SERVICES DEFINED.**—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Substitute Adult Day Care Services; Adult Day Care Facility

"(uu)(1)(A) The term 'substitute adult day care services' means the items and services described in subparagraph (B) that are furnished to an individual by an adult day care facility as a part of a plan under subsection

(m) that substitutes such services for a portion of the items and services described in subparagraph (B)(i) furnished by a home health agency under the plan, as determined by the physician establishing the plan.

“(B) The items and services described in this subparagraph are the following items and services:

“(i) Items and services described in paragraphs (1) through (7) of subsection (m).

“(ii) Transportation of the individual to and from the adult day care facility in connection with any such item or service.

“(iii) Meals.

“(iv) A program of supervised activities designed to promote physical and mental health and furnished to the individual by the adult day care facility in a group setting for a period of not fewer than 4 and not greater than 12 hours per day.

“(v) A medication management program (as defined in subparagraph (C)).

“(C) For purposes of subparagraph (B)(v), the term ‘medication management program’ means a program of services, including medicine screening and patient and health care provider education programs, that provides services to minimize—

“(i) unnecessary or inappropriate use of prescription drugs; and

“(ii) adverse events due to unintended prescription drug-to-drug interactions.

“(2)(A) Except as provided in subparagraphs (B) and (C), the term ‘adult day care facility’ means a public agency or private organization, or a subdivision of such an agency or organization, that—

“(i) is engaged in providing skilled nursing services and other therapeutic services directly or under arrangement with a home health agency;

“(ii) meets such standards established by the Secretary to ensure quality of care and such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the facility;

“(iii) provides the items and services described in paragraph (1)(B); and

“(iv) meets the requirements of paragraphs (2) through (8) of subsection (o).

“(B) Notwithstanding subparagraph (A), the term ‘adult day care facility’ shall include a home health agency in which the items and services described in clauses (ii) through (v) of paragraph (1)(B) are provided by others under arrangements with them made by such agency.

“(C) The Secretary may waive the requirement of a surety bond under paragraph (7) of subsection (o) in the case of an agency or organization that provides a comparable surety bond under State law.

“(D) For purposes of payment for home health services consisting of substitute adult day care services furnished under this title, any reference to a home health agency is deemed to be a reference to an adult day care facility.”.

(3) CONFORMING AMENDMENTS.—Sections 1814(a)(2)(C) and 1835(a)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395f(a)(2)(C); 1395n(a)(2)(A)(i)) are each amended by striking “section 1861(m)(7)” and inserting “paragraph (7) or (8) of section 1861(m)”.

(b) PAYMENT FOR SUBSTITUTE ADULT DAY CARE SERVICES.—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

“(e) PAYMENT RATE FOR SUBSTITUTE ADULT DAY CARE SERVICES.—In the case of home health services consisting of substitute adult day care services (as defined in section 1861(uu)), the following rules apply:

“(1) The Secretary shall determine each component (as defined by the Secretary) of substitute adult day care services (under sec-

tion 1861(uu)(1)(B)(i)) furnished to an individual under the plan of care established under section 1861(m) with respect to such services.

“(2) The Secretary shall estimate the amount that would otherwise be payable under this section for all home health services under that plan of care other than substitute adult day care services for a week or other period specified by the Secretary.

“(3) The total amount payable for home health services consisting of substitute adult day care services under such plan may not exceed 95 percent of the amount estimated to be payable under paragraph (2) furnished under the plan by a home health agency.

“(4) No payment may be made under this title for home health services consisting of substitute adult day care services described in clauses (ii) through (v) of section 1861(uu)(1)(B).”.

(c) ADJUSTMENT IN CASE OF OVERUTILIZATION OF SUBSTITUTE ADULT DAY CARE SERVICES.—

(1) MONITORING EXPENDITURES.—Beginning with fiscal year 2002, the Secretary of Health and Human Services shall monitor the expenditures made under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for home health services (as defined in section 1861(m) of such Act (42 U.S.C. 1395x(m))) for the fiscal year, including substitute adult day care services under paragraph (8) of such section (as added by subsection (a)), and shall compare such expenditures to expenditures that the Secretary estimates would have been made for home health services for that fiscal year if subsection (a) had not been enacted.

(2) REQUIRED REDUCTION IN PAYMENT RATE.—If the Secretary determines, after making the comparison under paragraph (1) and making such adjustments for changes in demographics and age of the medicare beneficiary population as the Secretary determines appropriate, that expenditures for home health services under the medicare program, including such substitute adult day care services, exceed expenditures that would have been made under such program for home health services for a year if subsection (a) had not been enacted, then the Secretary shall adjust the rate of payment to adult day care facilities so that total expenditures for home health services under such program in a fiscal year does not exceed the Secretary's estimate of such expenditures if subsection (a) had not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the date on which the prospective payment system for home health services furnished under the medicare program under section 1895 of the Social Security Act (42 U.S.C. 1395fff) is established and implemented.

By Mr. ALLARD.

S. 2827. A bill to provide for the conveyance of the Department of Veterans Affairs Medical Center at Ft. Lyon, Colorado, to the State of Colorado, and for other purposes; to the Committee on Veterans' Affairs.

LEGISLATION TO IMPROVE HEALTHCARE OPTIONS FOR VETERANS

Mr. ALLARD. Mr. President, today I am introducing a bill to improve the healthcare options for veterans in southern Colorado. To do this, I am expediting the transfer of the Ft. Lyon facility to the State of Colorado, which will allow the Veterans Administration (VA) to implement their plan to use the annual \$8.6 million in savings from

the closure of Fort Lyon to provide better service to Colorado's veterans through new outpatient clinics in La Junta, Lamar and Alamosa and a smaller, more efficient nursing home in Pueblo, CO.

Ft. Lyon is a historical building, but it is simply not more important than the needs of those who served us. I would prefer that the money currently used to maintain the facility was instead used to provide medical care for those veterans who need it.

This bill will lead to an improvement in medical services for veterans in several ways. With the estimated \$8.6 million in savings to be realized after the Ft. Lyon closure, clinics will be set up in local communities which will be closer and more responsive to their local veteran communities. This bill mandates that the VA must open the replacement clinics before they convey Ft. Lyon to the State of Colorado, to ensure there is no gap in service. This bill will help to ensure that no service-connected veteran's needs are unmet. No veteran will go homeless. Every veteran who needs a nursing home bed due to service connected illness will still be granted one. Those veterans currently in Ft. Lyon will continue to receive nursing home care, at no additional charges to them. The cemetery and historic Kit Carson chapel will remain fully accessible to the public. And the people of the region will also be assisted by the opening of a state facility to replace Ft. Lyon in the local economy. Without this legislation, there are no guarantees any of this would occur.

I hope that this bill will be considered and pass quickly, so that the savings and the improvements in veteran's healthcare can begin as soon as possible.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. GREGG, Mr. GORTON, Mr. COVERDELL, and Mr. INHOFE):

S. 2829. A bill to provide for an investigation and audit at the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

DEPARTMENT OF EDUCATION INVESTIGATION AND AUDIT LEGISLATION

Mr. HUTCHINSON. Mr. President, I rise today to introduce legislation requiring an audit of accounts at the U.S. Department of Education that are susceptible to waste, fraud, and abuse. It is unfortunate that Congress has to be dealing with this issue, but unfortunately, it is all too necessary.

As Members of the Senate have been debating education this year, we have stressed the need for accountability of federal funds. Before we stress accountability at the local level, though, we must ensure that accountability is also occurring at the federal level. It we are going to increase the budget for the Department of Education, as the Fiscal Year 2001 Labor, Health and Human

Services, and Education Appropriations bill does, we have the responsibility to determine whether the Department is properly accounting for the funding that they already have.

The U.S. Department of Education is already having problems overseeing the programs that it currently administers. For the second year in a row, the Department of Education has been unable to address its financial management problems. In its last two audits, the Department was unable to account for parts of its \$32 billion program budget and the \$175 billion owed in student loans. Every year, the Department is required to undergo an independent audit. Unfortunately, for Fiscal years 1998 and 1999, auditors have declared the Department of Education inauditable.

The House Education and the Workforce Committee has been holding hearing on financial problems at the Department of Education, and has found serious instances of duplicate payments to grant winners and an \$800 million college loan to a single student. In its 1998 audit, the Department blamed its problems on a faulty new accounting system that cost \$5.1 million, in addition to the cost of manpower to try to fix the system. A new accounting system will be the third in five years.

The most recent 1999 audit showed that the Department's financial stewardship remains in the bottom quartile of all major federal agencies. It also sent duplicate payments to 52 schools in 1999 at a cost of more than \$6.5 million. In addition, none of the material weaknesses cited in the 1998 audit were corrected.

These instances show that the Department is currently vulnerable to fraud, waste, and abuse. The House of Representatives has already indicated its support for a fraud audit at the Department of Education by passing its own version of this bill on June 13, 2000, by an overwhelming vote of 380-19. Before Congress entrusts the U.S. Department of Education with funding that is so important to our nation's schools and students, we must demand that the funds they already have are well-managed.

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 2830. A bill to preclude the admissibility of certain confessions in criminal cases; to the Committee on the Judiciary.

THE MIRANDA REAFFIRMATION ACT OF 2000

Mr. LEAHY. Mr. President, this week, the Supreme Court reaffirmed its landmark decision in *Miranda v. Arizona*. I applaud that decision. *Miranda* struck a balance between the needs of law enforcement and the rights of a suspect that has worked well for 34 years. There is no reason to upset that balance now.

Shortly after *Miranda* was decided in 1966, I became State's Attorney for Chittenden County, Vermont. I remem-

ber clearly the immediate impact that this momentous decision had upon law enforcement, prosecutors, criminal defendants and the criminal justice system as a whole. The Supreme Court's pronouncement that all suspects in custody needed to be advised of certain constitutional rights, including the privilege against self-incrimination, before being questioned was as new then as it is familiar today.

The *Miranda* decision put into place a fair and bright-line rule that both protects the rights of the accused and has proven workable for law enforcement. Statements stemming from custodial interrogation of a suspect are inadmissible at trial unless the police first provide the suspect with a set of four specific warnings: (1) you have the right to remain silent; (2) anything you say may be used as evidence against you; (3) you have the right to an attorney; and (4) if you cannot afford an attorney, one will be appointed for you.

These warnings are necessary to dispel the compulsion inherent in custodial surroundings and so ensure that any statement obtained from the suspect is truly the product of his free choice. As author and former Federal prosecutor Scott Thurov wrote in an opinion article in Wednesday's *New York Times*: "The requirement to recite *Miranda* is an important reminder to the police that the war on lawlessness is always subject to the guidance of the law."

Over the last 34 years, the *Miranda* rule has developed into a bedrock principle of American criminal law. The required issuance of *Miranda* warnings has been incorporated in local, State and Federal police practice across this nation. Indeed, it is no exaggeration to say, as the Court said this week, that *Miranda* warnings "have become part of our national culture."

Two years after *Miranda* was decided, Congress enacted 18 U.S.C. 3501, which laid down a rule that purported to overrule *Miranda* and to restore the case-by-case, totality-of-the-circumstances test of a confession's "voluntariness" that the *Miranda* decision found constitutionally inadequate. The validity of section 3501 did not come before the Court until now because no Administration of either party sought to use it, out of concern for its dubious constitutionality. The issue was finally presented only because an organization of conservative activists maneuvered a case before the most conservative Federal appeals court in the country. To her credit, Attorney General Reno declined to argue that *Miranda* had been invalidated by section 3501. She also declined to ask the Supreme Court to overrule *Miranda*, on the ground that it has proved to be workable in practice and in many respects beneficial to law enforcement.

The Court's decision this week in *Dickerson v. United States*—announced by the Chief Justice and joined by six other Justices—erased any doubt that the protections announced in *Miranda*

are constitutionally required and cannot be overruled by an act of Congress. Section 3501's attempt to authorize the admission at trial of statements that would be excluded under *Miranda* is therefore unconstitutional, as I have long believed.

This week's resounding reaffirmation of the *Miranda* rule should put to rest the issue of *Miranda*'s continuing vitality. Most law enforcement officers made their peace with *Miranda* long ago: It is time for the rest to do the same. That is why I am disturbed by Justice Scalia's parting shot in *Dickerson*. In a dissenting opinion joined by Justice Thomas, Justice Scalia vowed to continue to apply section 3501 until such time as it is repealed.

Mr. President, that time has come. I am introducing a bill today, together with my good friend, Senator FEINGOLD, to repeal section 3501. I can think of no good reason to allow this patently unconstitutional statute to remain on the books. On the contrary, leaving section 3501 on the books is sure to invite more unwarranted attacks on *Miranda* by the same conservative activists who brought us the *Dickerson* case. Enough is enough. Whatever you think of *Miranda*'s reasoning and its resulting rule, seven Supreme Court Justices have reaffirmed its constitutional pedigree. I urge my colleagues on both sides of the aisle to uphold their oaths to defend the Constitution by repudiating an unconstitutional statute.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miranda Reaffirmation Act of 2000".

SEC. 2. AMENDMENTS TO TITLE 18.

Section 3501 of title 18, United States Code, is amended—

- (1) by striking subsections (a) and (b); and
- (2) by redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c) respectively.

Mr. FEINGOLD. Mr. President, I am pleased to join with my friend from Vermont to introduce the *Miranda* Reaffirmation Act, a bill that repeals two sections of the United States Criminal Code because they directly conflict with the constitutional rule set forth by the United States Supreme court in the 1966 landmark decision of *Miranda v. Arizona*.

This week, nearing the conclusion of a busy term, the United States Supreme Court handed down several very important decisions. In one of the more highly anticipated rulings, *Dickerson v. United States*, the Court held by a 7-2 majority that the rule announced in *Miranda* is still the supreme law of this

land. As we are all aware, the Miranda rule instructs all law enforcement officers that prior to an in-custody interrogation they must inform suspects of several important constitutional rights: the right to remain silent, the right to counsel, and the right to have counsel appointed if they cannot afford one.

As the Court noted, "Miranda has become embedded in routine police practice to the point where the warning have become part of our national culture." Millions of American children have first learned about their constitutional rights by watching police dramas on television and hearing the famous Miranda warnings given to criminal suspects.

Mr. President, the Supreme Court's reaffirmation of the Miranda rule was extremely important. In the Dickerson case, a private legal foundation and a law professor intervened in a criminal case and questioned whether Miranda warnings are constitutionally required. Relying on 18 U.S.C. §3501, they argued that law enforcement officers should not have to inform suspects of their basic constitutional rights before proceeding with in-custody interrogations as long as any confessions obtained were determined to be voluntary. While every administration since the law was passed in 1968 has refused to make this argument, a lower court in the Dickerson case agreed with it. Section 3501 was enacted in 1968, just two years after the original Miranda decision. It was a clear attempt by Congress to overturn the constitutional rule laid down in that case.

It is a strange quirk of history that the validity of §3501 and Congress's attempt to overrule Miranda was addressed for the first time by the Supreme Court in the Dickerson case. The reason is that a series of Departments of Justice, under both Republican and Democratic Presidents assumed that the statute was unconstitutional and refused to proceed under it. In Dickerson, the Supreme Court agreed with that view.

Writing for a seven justice majority, Chief Justice Rehnquist pointed out that "because of the obvious conflict between our decision in Miranda and §3501 we must address whether Congress has the constitutional authority to thus supercede Miranda." Second, the Chief Justice reiterated the established principle that "Congress may not legislatively supercede our decision[s] interpreting and applying the constitution," and he concluded by ruling that "Miranda announced a constitutional rule that Congress may not supercede legislatively."

Justice Scalia, in dissent, disagreed vehemently with the majority's analysis. In a somewhat curious declaration of defiance he wrote: "[U]ntil §3501 is repealed, [I] will continue to apply it in all cases where there has been a sustainable finding that the defendant's confession was voluntary."

Mr. President, as a result of the Court's unequivocal ruling in

Dickerson, we now have a law on the books that the Court has ruled is inconsistent with what the Constitution requires with respect to constitutional in-custody interrogations. That may seem to be a matter of little consequence, but the statement of Justice Scalia that he will continue to apply it in future cases shows that it is not. The bill that we are introducing today eliminates this potential problem by removing the unconstitutional provision from the criminal code.

This repeal will accomplish two things. It will bring our criminal code into line with what the Supreme Court has now firmly established as the law of the land, and it will remove from the books an ineffective law that Justice Rehnquist considered "more difficult than Miranda for law enforcement officers to conform to, and for courts to apply in a consistent manner." The prophylactic rule established by Miranda has worked well and stood the test of time. Law enforcement officers, prosecutors, and defense attorneys have found that it is a far better way to protect the constitutional rights of those accused of crimes than the "voluntariness" standard that was in place before Miranda and that §3501 attempted to keep in place.

Mr. President, it is simply not appropriate for the existing criminal code to conflict with what the Supreme Court has ruled that the Constitution requires. It is our duty to act to repeal a provision that the Department of Justice has refused to apply and that the Supreme Court has held, in any event, cannot be enforced. As the ranking member of the Constitution Subcommittee of the Senate Judiciary Committee, I am proud to join the ranking member of the full Committee, Senator LEAHY, in offering this straightforward and commonsense measure.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 2831. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve conservation and management of sharks and establish a consistent national policy toward the practice of shark-finning; to the Committee on Commerce, Science, and Transportation.

THE SHARK CONSERVATION ACT OF 2000

Mr. KERRY. Mr. President, I rise today to introduce the Shark Conservation Act of 2000, legislation that will significantly improve conservation and management of sharks worldwide, and establish a consistent national policy toward the practice of shark-finning. The bill would prohibit the practice of shark finning and transshipment of shark fins by U.S. vessels, set forth a process to encourage foreign governments to end this practice by their own fishing fleets, and authorize badly needed fisheries research on

shark populations. I am pleased to be joined in this effort by the Ranking Member of the Commerce Committee, Senator HOLLINGS.

Mr. President, sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity and small number of offspring leave them exceptionally vulnerable to overfishing and slow to recover from depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea. While many of our other highly migratory species such as tunas and swordfish are subject to rigorous management regimes, sharks have largely been overlooked until recently.

The bill first amends the Magnuson-Stevens Fishery Conservation and Management Act to prohibit shark finning, which is the practice of removing a shark's fins and returning the remainder of the shark to sea, and provides a rebuttable presumption that shark fins found on board a U.S. vessel were taken by finning, thus closing the transshipment loophole. National Marine Fisheries Service (NMFS) regulations in the Atlantic Ocean prohibit the practice of shark finning, but a nationwide prohibition does not currently exist. Shark fins comprise only a small percentage of the weight of the shark, and yet this is often the only portion of the shark retained. The Magnuson-Stevens Act and international commitments discourage unnecessary waste of fish, and thus I believe this bill ensure our domestic regulations are consistent on this point. Another goal of the Magnuson-Stevens Act—the minimization of bycatch and bycatch mortality—is an issue that I have been particularly committed to over the years. Because most of the sharks caught and finned are incidentally captured in fisheries targeting other species, I believe establishing a domestic ban will help us further reduce this type of shark mortality.

Mr. President, this legislation would also direct the Secretary of Commerce to initiate negotiations with foreign countries in order to encourage those countries to adopt shark finning prohibitions similar to ours. The establishment of a prohibition of shark finning by United States fishermen, or in waters subject to our jurisdiction, will not reduce finning by international fishing fleets or transshipment or landing of fins taken by these fleets. At present, foreign fleets transship or land approximately 180 metric tons of shark fins annually through ports in the Pacific alone. The global shark fin trade involves at least 125 countries, and the demand for shark fins and other shark products has driven dramatic increases in shark fishing and shark mortality around the world.

International measures are an absolutely critical component of achieving effective shark conservation. Under my legislation, the Secretary would be mandated to report to Congress on progress being made domestically and

internationally to reduce shark finning. Further, this legislation will establish a procedure for determining whether governments have adopted shark conservation measures which are comparable to ours through import certification procedures for sharks or shark parts. Imports of sharks or shark parts from countries that do not meet these certification procedures are prohibited. I have also included provisions which would provide technical assistance to foreign nations in an attempt to promote compliance.

Finally, my bill would authorize a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments, identify fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks, and provide data on the international shark fin trade.

Mr. President, the United States is a global leader in fisheries conservation and management. I believe this legislation provides us the opportunity to further this role, and take the first step in addressing an international fisheries management issue. In addition, I believe the U.S. should continue to lead efforts at the United Nations and international conventions to achieve coordinated international management of sharks, including an international ban on shark-finning. I look forward to working with Committee members on this important legislation.

Thank you Mr. President.

By Ms. SNOWE:

S. 2832. A bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MAGNUSON-STEVENS REAUTHORIZATION ACT
OF 2000

Ms. SNOWE. I rise today to introduce a bill that will reauthorize the most important Federal fisheries management law, the Magnuson-Stevens Fishery Conservation and Management Act. In 1996, Congress last reauthorized this law through enactment of the Sustainable Fisheries Act (SFA). The SFA contained the most substantial improvements to fisheries conservation since the original passage of the Magnuson Act in 1976.

The SFA made wholesale changes in fisheries management. For the first time, it required the regional fishery management councils and the Secretary of Commerce to prevent and end overfishing, reduce bycatch, protect essential fish habitat, and consider fishing communities in the regulatory decision-making process. These provisions of the SFA have presented a great challenge to the National Marine Fisheries Service the regional councils, and the fishermen who are regulated under this law. While the goals and intent of the SFA were certainly laudable, four years later, we still have a significant amount of work to do in that regard.

Therefore, today, Mr. President, I introduce the Magnuson-Stevens Reauthorization Act of 2000 with several very specific goals in mind. First and foremost, this bill provides for a major increase in funding. While the demands on fisheries managers at the local and federal levels have increased exponentially, funding has essentially remained level. One of the most serious problems in fisheries management is a lack of basic information on the resource. This bill, through increased funding and the establishment of two programs, will go a long way toward filling existing critical gaps in our information databases. For the past several years, Senators KERRY, GREGG, and I have worked to establish a cooperative research program in New England fisheries. This program, which requires federal and local scientists to partner with commercial fishermen in the gathering and development of fisheries data, has proven quite successful. Therefore, this bill would establish a National Cooperative Research and Management program to be administered by the agency in conjunction with the regional councils and local fishermen. In addition, the bill also establishes a National Cooperative Enforcement program. This too is based on existing programs in several states, where state marine law enforcement officers are deputized by their federal counterparts to help enforce conservation and management provisions of the Magnuson-Stevens Act and other marine related laws. Lack of enforcement of fisheries laws has been a constant problem for fishermen and fisheries managers.

This bill also addresses one of the most serious and emotional questions in fisheries management—individual fishing quotas (IFQs). The SFA included a five year moratorium on new IFQ programs and required the National Academy of Sciences (NAS) to study the issue. The NAS report issued a series of recommendations on IFQs. The first recommendation was for Congress to lift the existing moratorium on new IFQ programs and authorize the councils to design and implement new IFQs. The moratorium is set to expire on October 1, 2000.

This recommendation has received a lot of publicity. However, the NAS report contained a number of other recommendations to Congress that were to be considered in conjunction with the authorization of any new IFQ programs. These recommendations concern substantive issues, yet they have not received the level of attention that they fully deserve. For instance, the NAS recommended that Congress should encourage cost recovery and extraction of profits from new IFQ programs through fees, annual taxes, and zero-revenue auctions. The NAS also recommended that the Act be amended to allow the public to capture windfall gains generated from the initial allocation of IFQs. Additional recommendations include requiring accumulation

limits and determining rules for foreign ownership.

Mr. President, the NAS report contains important recommendations that should be thoroughly examined by Congress and the public. I understand that in some regions of the country, both commercial and recreational fishermen want to immediately move to the design and implementation of new IFQ programs. However, it is clear that many of the important questions associated with any new IFQ program have not been fully considered and immediate implementation of such programs could have deleterious effects on fisheries and fishing communities. For that reason, the bill I introduce today contains a three year extension of the existing moratorium.

This provision simply recognizes that fisheries conservation and management must be approached from a long-term perspective. Widespread implementation of IFQ programs will drastically alter the face of fishing communities and the way we pursue fisheries conservation measures. If IFQs are indeed the answer that many of their advocates claim, then surely IFQs will still be a viable option in three years. But, a short-term extension of the moratorium, as this bill proposes, will force the Congress and fishing communities to consider the many other necessary questions related to IFQs. The NAS report recommended Congress provide guidance on these issues because they are clearly questions of national concern, and I suggest that we follow that course.

Mr. President, this bill provides a number of other improvements, including increased flexibility to the agency to reaffirm the original intent of Congress that there is no "one-size-fits-all" solution to fisheries management. Moreover, the bill would provide for an expanded national observer program to help collect critical information. It is widely recognized that we need to increase our use of observers to gain data on species composition, age structure, and bycatch. The bill also establishes a pilot program to help fisheries managers begin the move toward ecosystem-based management. While it is clear that we do not currently have sufficient information of resources to make a full shift to ecosystem-based management, it is equally clear that we need to move in this direction and a pilot program can illustrate for us how to do this.

Finally, I would like to say that this bill represents a significant amount of work by the Subcommittee on Oceans and Fisheries. Over the past year, the Subcommittee held six hearings in various parts of the country on the Magnuson Stevens Act. We begin the process in Washington, DC, and then visited fishing communities in New England, The Gulf of Mexico, the North Pacific and the Pacific. In this bill, I have tried to incorporate many of the suggestions we heard from those men and women who fish for a living and who

are most affected by the law and its regulations. I view this bill as a basis from which I intend to work with other members of the Subcommittee so that the Commerce Committee can consider it in executive session in July. I look forward to providing our fishing communities with a bill that will improve lives in a meaningful way.

By Mr. DODD:

S. 2833. A bill to amend the Federal Election Campaign Act of 1971 to improve the enforcement capabilities of the Federal Election Commission, and for other purposes; to the Committee on Rules and Administration.

FEDERAL ELECTION CAMPAIGN ACT OF 1971
AMENDMENTS LEGISLATION

Mr. DODD. Mr. President, Today the Senate passed, and sent to the President for signature, the most significant campaign finance reform in the last 2 decades—the so-called section 527 reform. Clearly, our campaign finance system is in need of further comprehensive reform. The McCain-Feingold legislation, I believe, is still the most comprehensive and necessary reform that we could pass in the 106th Congress.

In the meantime, however, we must also strengthen the abilities of the agency charged with enforcing the laws on the books today—and that is the Federal Election Commission. For that reason, I am today introducing legislation to improve the enforcement capabilities of the Federal Election Commission.

Created in the wake of the Watergate scandal, the primary purpose of the Federal Election Commission is to ensure the integrity of federal elections by overseeing federal election disclosure requirements and enforcing the federal campaign finance laws.

Regardless of the views of my colleagues with regard to the need for campaign finance reform, it cannot be argued that Congress intended that this enforcement agency be nothing more than a paper tiger. And yet, that is precisely what many view it to be. The legislation I am introducing today is intended to put some teeth into this enforcement body.

As a long time supporter of comprehensive campaign finance reform, I am not suggesting that my proposal is in any way a substitute for the McCain-Feingold bill or any other comprehensive reform. But sadly, it is clear that a minority in this body will once again prevent a majority of both houses of Congress from enacting meaningful reform this year.

As has been the case for the last several congresses, the 106th Congress will likely come to a close without enacting comprehensive campaign finance reform. In light of that reality, it is all the more important that we ensure that the campaign finance laws that are currently on the books are vigorously enforced. And that requires an agency that is fully armed with all the enforcement tools we can give it.

The legislation I am proposing today would give the Federal Election Commission the tools it needs to ensure compliance with the law. Specifically, this legislation would give the Commission the authority to conduct random audits and investigations to ensure voluntary compliance with the act. The potential of a random audit is a well-recognized deterrent to potential violators and an authority given to many federal enforcement agencies.

Secondly, this legislation would grant the Commission the authority to seek injunctive relief in the event that certain statutory conditions are met, including:

that there is a substantial likelihood that a violation of the act is occurring or about to occur;

that the failure to act expeditiously will result in irreparable harm;

that expeditious action will not cause undue harm or prejudice; and

that the best interest of the public would be served by the issuance of an injunction.

Finally, this legislation would increase the penalties for knowing and willful violations of the act from \$10,000 to \$15,000 or an amount equal to 300 percent. In order to ensure that the Commission has sufficient resources to carry out its statutory responsibilities, my legislation provides for an authorization of appropriations for FY 2001 at the full amount requested by the Commission, or nearly \$41 million.

Enhanced enforcement authority is not a substitute for comprehensive reform. But passage of this legislation should be something every member of this body can support. Not to do so only confirms the critics' views that this agency is a toothless tiger.

I urge my colleagues to give serious consideration to this legislation.

—
ADDITIONAL COSPONSORS

S. 573

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 573, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from Iowa (Mr.

GRASSLEY) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1322

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1459

At the request of Mr. MACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1759

At the request of Mr. BREAU, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1759, a bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for taxpayers owning certain commercial power takeoff vehicles.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2061

At the request of Mr. BIDEN, the name of the Senator from Washington

(Mrs. MURRAY) was added as a cosponsor of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2379

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2379, a bill to provide for the protection of children from tobacco.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2463

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2463, a bill to institute a moratorium on the imposition of the death penalty at the Federal and State level until a National Commission on the Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented.

S. 2527

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2527, a bill to amend the Public Health Service Act to provide grant programs to reduce substance abuse, and for other purposes.

S. 2583

At the request of Mr. LIEBERMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2583, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527.

S. 2684

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2684, a bill to redesignate and reauthorize as anchorage certain portions of the project for navigation, Narraguagus River, Milbridge, Maine.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota

(Mr. WELLSTONE) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2707

At the request of Mr. CRAPO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2707, a bill to help ensure general aviation aircraft access to Federal land and the airspace over that land.

S. 2709

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2709, to establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions.

S. 2735

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2735, a bill to promote access to health care services in rural areas.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2791

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2791, a bill instituting a Federal fuels tax suspension.

S. 2793

At the request of Mr. HOLLINGS, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the lim-

itation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2799

At the request of Mr. MURKOWSKI, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2799, a bill to allow a deduction for Federal, State, and local taxes on gasoline, diesel fuel, or other motor fuel purchased by consumers between July 1, 2000, and December 31, 2000.

S. 2811

At the request of Mr. DASCHLE, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2811, a bill to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants.

S. RES. 268

At the request of Mr. EDWARDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 294

At the request of Mr. ABRAHAM, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Utah (Mr. HATCH), the Senator from Maine (Ms. SNOWE), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. GRAHAM), the Senator from Georgia (Mr. CLELAND), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3648

At the request of Mr. COVERDELL, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of amendment No. 3648 intended to be proposed to H.R. 4577, a

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

AMENDMENT NO. 3654

At the request of Mr. KERREY, his name was added as a cosponsor of amendment No. 3654 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3657

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 3657 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3681

At the request of Mr. TORRICELLI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3681 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3682

At the request of Mr. TORRICELLI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3682 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 330—DESIGNATING THE WEEK BEGINNING SEPTEMBER 24, 2000, AS "NATIONAL AMPUTEE AWARENESS WEEK"

Mr. INHOFE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 330

Whereas current research indicates that more than 1.5 million Americans, of all ages and of both genders, have had amputations;

Whereas every year 156,000 individuals in the United States lose a limb;

Whereas each month 13,000 individuals lose a limb;

Whereas each week 2,996 individuals lose a limb;

Whereas each day 428 individuals lose a limb;

Whereas becoming an amputee is a lifetime condition, not just a temporary circumstance;

Whereas prosthetic care can range in cost from \$8,000 to more than \$70,000 depending on the level of care and function of the patient;

Whereas most insurance policies cover prosthetics with the stipulation of one prosthesis per patient for life;

Whereas the average prosthesis lasts between three and five years;

Whereas the general public is unaware of the plight of the amputee community;

Whereas an increased awareness to the issues faced by the amputee community will also bring about increased awareness for further research; and

Whereas establishing "National Amputee Awareness Week" will bring the cause of amputee awareness to the national front: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of September 24, through September 30, 2000, as "National Amputee Awareness Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote the awareness of the amputee community, and to observe the week with appropriate ceremonies and activities.

Mr. INHOFE. Mr. President, I am pleased to come to the Senate floor today to introduce a resolution to declare the week of September 24–30 "National Amputee Awareness Week." When passed, this resolution will designate a specific time around which the Nation's amputee community can rally. Too often, we lose sight of many of those who are right in front of our very eyes. By dedicating this week to their cause, we will make certain that we no longer forget both the accomplishments and problems of the large and diverse amputee community.

The loss of limb can strike anyone, at any time. Each year 156,000 people lose a limb. This equates to 13,000 amputations per month, 2,996 amputations per week, 428 amputations per day and 18 amputations per hour in the United States alone. People from all backgrounds have had to deal with the hardships associated with amputation. Over half of amputations in the United States occur among elderly citizens as a result of vascular deficiencies. From childhood to middle adulthood, the most common cause of limb loss is from traumatic injuries. Other major causes can include primary bone malignancies and congenital limb defects.

Although there have been great strides in prosthetic research, many people are still limited by the financial burdens associated with acquiring an artificial limb. A new prosthetic device can cost between \$8,000 and \$70,000. These limbs must often be replaced every few years, adding to the burden placed on an amputee. Even when insurance does cover the cost of these new prosthetic devices, it is often a one-time reimbursement. This leaves the amputee to deal with any further care or replacement devices that are necessary.

The prosthetic device is not the only cost incurred by the amputee. There are many secondary factors that must be considered. Over 25,000 people are readmitted to the hospital each year due to complications resulting from their amputation. Amputees must deal with both the physical and emotional consequences of limb loss. Physical therapy must be undertaken to learn how to perform the most basic tasks with a new, foreign limb. They must often

also look for alternate occupations once limb loss has made their current occupation infeasible. As a result, amputees must often undergo counseling to help them come to terms emotionally with their altered lifestyle.

According to the Amputee Coalition of America, amputees hope to one day see the elimination of barriers to their full participation in all aspects of life. In addition, they hope to see improvements in artificial limbs and prosthetic research. Finally they hope to see improved outcomes for amputees in the areas of chronic post-amputation pain and depression.

There are countless locally-based organizations in the United States who provide services to amputees with very little recognition. One of those such organizations is located in Oklahoma. The Limbs of Life Foundation is a nationwide non-profit organization established in 1995 in Oklahoma City to meet the needs of the amputee community. They do this in part by providing limbs at a free or discounted rate to individuals who would not normally be able to afford such devices. To date they have provided over 4,700 amputees with a prosthetic limb.

However, Limb for Life's efforts are not limited to limb provision. They also seek to raise awareness of the amputee cause. Each year this foundation holds a bike ride from Oklahoma City to Austin, Texas to raise funds for their efforts. This year's "Project 50-2000" will provide funds to purchase limbs for those in need and will bring national attention to the amputee community. This is the type of effort that National Amputee Awareness Week is designed to spotlight.

Mr. President, declaring the week of September 24–30 "National Amputee Awareness Week" would serve many purposes. At this point in time amputees have only a fragmented network through which to address their concerns. This week would provide them with a point of cohesion during which all amputees can come together in response to and in recognition of their common cause. Not only will amputees benefit from this week, the general population would also have the opportunity to be informed of the unique needs and problems faced by the amputee community. The amputee community and the general population would both gain from increased interaction that this week would bring.

In closing, I hope all of my colleagues will join me in creating this important awareness and outreach opportunity for the amputee community.

SENATE RESOLUTION 331—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES V. ELLEN ROSE HART

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 331

Whereas, in the case of United States v. Ellen Rose Hart, CR-F 99-5275 AWI, pending in the United States District Court for the Eastern District of California, testimony has been requested from Eric Vizcaino, an employee in the office of Senator Boxer, and Monica Borvice, an employee in the office of Senator Feinstein;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Eric Vizcaino, Monica Borvice, and any other employee of the Senate from whom testimony or document production may be required are authorized to testify and produce documents in the case of United States v. Ellen Rose Hart, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Eric Vizcaino, Monica Borvice, and any Member or employee of the Senate in connection with the testimony and document production authorized in section one of this resolution.

AMENDMENTS SUBMITTED

DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

DASCHLE (AND OTHERS) AMENDMENT NO. 3688

Mr. HARKIN (for Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. DODD, and Mr. ROBB)) proposed an amendment to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 92, between lines 4 and 5, insert the following:

TITLE ___ GENETIC NONDISCRIMINATION IN HEALTH INSURANCE AND EMPLOY- MENT

SEC. ___01. SHORT TITLE.

This title may be cited as the "Genetic Nondiscrimination in Health Insurance and Employment Act of 2000".

Subtitle A—Prohibition of Health Insurance Discrimination on the Basis of Predictive Genetic Information

SEC. ___11. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH INSURANCE DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION OR GENETIC SERVICES.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the

Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the period the following: "(or information about a request for or the receipt of genetic services by an individual or a family member of such individual)".

(B) NO DISCRIMINATION IN GROUP RATE BASED ON PREDICTIVE GENETIC INFORMATION.—

(i) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. PROHIBITING DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFOR- MATION.

"A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not deny eligibility to a group or adjust premium or contribution rates for a group on the basis of predictive genetic information concerning an individual in the group (or information about a request for or the receipt of genetic services by such individual or family member of such individual)".

(ii) CONFORMING AMENDMENTS.—

(I) Section 2702(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg-1(b)(2)(A)) is amended to read as follows:

"(A) to restrict the amount that an employer may be charged for coverage under a group health plan, except as provided in section 2707; or".

(II) Section 2721(a) of the Public Health Service Act (42 U.S.C. 300gg-21(a)) is amended by inserting "(other than subsections (a)(1)(F), (b) (with respect to cases relating to genetic information or information about a request or receipt of genetic services by an individual or family member of such individual), (c), (d), (e), (f), or (g) of section 2702 and section 2707)" after "subparts 1 and 3".

(2) LIMITATIONS ON GENETIC TESTING AND ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to limit the authority of a health care professional, who is providing treatment with respect to an individual and who is employed by a group health plan or a health insurance issuer, to request that such individual or family member of such individual undergo a genetic test. Such a health care professional shall not require that such individual or family member undergo a genetic test.

"(d) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Except as provided in subsections (f) and (g), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, collect, or purchase predictive genetic information concerning an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

"(e) DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not disclose predictive genetic information about an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual) to—

"(1) any entity that is a member of the same controlled group as such issuer or plan sponsor of such group health plan;

"(2) any other group health plan or health insurance issuer or any insurance agent, third party administrator, or other person subject to regulation under State insurance laws;

"(3) the Medical Information Bureau or any other person that collects, compiles, publishes, or otherwise disseminates insurance information;

"(4) the individual's employer or any plan sponsor; or

"(5) any other person the Secretary may specify in regulations.

"(f) INFORMATION FOR PAYMENT FOR GENETIC SERVICES.—

"(1) IN GENERAL.—With respect to payment for genetic services conducted concerning an individual or the coordination of benefits, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, may request that the individual provide the plan or issuer with evidence that such services were performed.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

"(A) permit a group health plan or health insurance issuer to request (or require) the results of the services referred to in such paragraph; or

"(B) require that a group health plan or health insurance issuer make payment for services described in such paragraph where the individual involved has refused to provide evidence of the performance of such services pursuant to a request by the plan or issuer in accordance with such paragraph.

"(g) INFORMATION FOR PAYMENT OF OTHER CLAIMS.—With respect to the payment of claims for benefits other than genetic services, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, may request that an individual provide predictive genetic information so long as such information—

"(1) is used solely for the payment of a claim;

"(2) is limited to information that is directly related to and necessary for the payment of such claim and the claim would otherwise be denied but for the predictive genetic information; and

"(3) is used only by an individual (or individuals) within such plan or issuer who needs access to such information for purposes of payment of a claim.

"(h) RULES OF CONSTRUCTION.—

"(1) COLLECTION OR DISCLOSURE AUTHORIZED BY INDIVIDUAL.—The provisions of subsections (d) (regarding collection) and (e) shall not apply to an individual if the individual (or legal representative of the individual) provides prior, knowing, voluntary, and written authorization for the collection or disclosure of predictive genetic information.

"(2) DISCLOSURE FOR HEALTH CARE TREATMENT.—Nothing in this section shall be construed to limit or restrict the disclosure of predictive genetic information from a health care provider to another health care provider for the purpose of providing health care treatment to the individual involved.

"(i) DEFINITIONS.—In this section:

"(1) CONTROLLED GROUP.—The term 'controlled group' means any group treated as a single employer under subsections (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

"(2) GROUP HEALTH PLAN, HEALTH INSURANCE ISSUER.—The terms 'group health plan' and 'health insurance issuer' include a third party administrator or other person acting for or on behalf of such plan or issuer."

(3) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following new paragraphs:

“(15) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(16) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member of such individual (including information about a request for or the receipt of genetic services by such individual or family member of such individual).

“(17) GENETIC SERVICES.—The term ‘genetic services’ means health services, including genetic tests, provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(18) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites in order to detect genotypes, mutations, or chromosomal changes.

“(19) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means—

“(i) information about an individual’s genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) LIMITATIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information about chemical, blood, or urine analyses of the individual, unless these analyses are genetic tests; or

“(iii) information about physical exams of the individual, and other information relevant to determining the current health status of the individual.”.

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) is amended—

(1) by redesignating such subpart as subpart 2; and

(2) by adding at the end the following:

“SEC. 2753. PROHIBITION OF HEALTH INSURANCE DISCRIMINATION AGAINST INDIVIDUALS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“(a) IN ELIGIBILITY TO ENROLL.—A health insurance issuer offering health insurance coverage in the individual market shall not establish rules for eligibility to enroll in individual health insurance coverage that are based on predictive genetic information concerning the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

“(b) IN PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium rates on the basis of predictive genetic information concerning an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

“SEC. 2754. LIMITATIONS ON GENETIC TESTING AND ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.

“(a) GENETIC TESTING.—

“(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A health insurance

issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

“(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to limit the authority of a health care professional, who is providing treatment with respect to an individual and who is employed by a group health plan or a health insurance issuer, to request that such individual or family member of such individual undergo a genetic test. Such a health care professional shall not require that such individual or family member undergo a genetic test.

“(b) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Except as provided in subsections (d) and (e), a health insurance issuer offering health insurance coverage in the individual market shall not request, require, collect, or purchase predictive genetic information concerning an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

“(c) DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—A health insurance issuer offering health insurance coverage in the individual market shall not disclose predictive genetic information about an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual) to—

“(1) any entity that is a member of the same controlled group as such issuer or plan sponsor of such group health plan;

“(2) any other group health plan or health insurance issuer or any insurance agent, third party administrator, or other person subject to regulation under State insurance laws;

“(3) the Medical Information Bureau or any other person that collects, compiles, publishes, or otherwise disseminates insurance information;

“(4) the individual’s employer or any plan sponsor; or

“(5) any other person the Secretary may specify in regulations.

“(d) INFORMATION FOR PAYMENT FOR GENETIC SERVICES.—

“(1) IN GENERAL.—With respect to payment for genetic services conducted concerning an individual or the coordination of benefits, a health insurance issuer offering health insurance coverage in the individual market may request that the individual provide the plan or issuer with evidence that such services were performed.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

“(A) permit a health insurance issuer to request (or require) the results of the services referred to in such paragraph; or

“(B) require that a health insurance issuer make payment for services described in such paragraph where the individual involved has refused to provide evidence of the performance of such services pursuant to a request by the plan or issuer in accordance with such paragraph.

“(e) INFORMATION FOR PAYMENT OF OTHER CLAIMS.—With respect to the payment of claims for benefits other than genetic services, a health insurance issuer offering health insurance coverage in the individual market may request that an individual provide predictive genetic information so long as such information—

“(1) is used solely for the payment of a claim;

“(2) is limited to information that is directly related to and necessary for the payment of such claim and the claim would otherwise be denied but for the predictive genetic information; and

“(3) is used only by an individual (or individuals) within such plan or issuer who needs

access to such information for purposes of payment of a claim.

“(f) RULES OF CONSTRUCTION.—

“(1) COLLECTION OR DISCLOSURE AUTHORIZED BY INDIVIDUAL.—The provisions of subsections (c) (regarding collection) and (d) shall not apply to an individual if the individual (or legal representative of the individual) provides prior, knowing, voluntary, and written authorization for the collection or disclosure of predictive genetic information.

“(2) DISCLOSURE FOR HEALTH CARE TREATMENT.—Nothing in this section shall be construed to limit or restrict the disclosure of predictive genetic information from a health care provider to another health care provider for the purpose of providing health care treatment to the individual involved.

“(g) DEFINITIONS.—In this section:

“(1) CONTROLLED GROUP.—The term ‘controlled group’ means any group treated as a single employer under subsections (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

“(2) GROUP HEALTH PLAN, HEALTH INSURANCE ISSUER.—The terms ‘group health plan’ and ‘health insurance issuer’ include a third party administrator or other person acting for or on behalf of such plan or issuer.”.

(c) ENFORCEMENT.—

(1) GROUP PLANS.—Section 2722 of the Public Health Service Act (42 U.S.C. 300gg-22) is amended by adding at the end the following:

“(c) VIOLATION OF GENETIC DISCRIMINATION OR GENETIC DISCLOSURE PROVISIONS.—In any action under this section against any administrator of a group health plan, or health insurance issuer offering group health insurance coverage in connection with a group health plan (including any third party administrator or other person acting for or on behalf of such plan or issuer) alleging a violation of subsections (a)(1)(F), (b) (with respect to cases relating to genetic information or information about a request or receipt of genetic services by an individual or family member of such individual), (c), (d), (e), (f), or (g) of section 2702 and section 2707 the court may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney’s fees and costs, including the costs of expert witnesses.

“(d) CIVIL PENALTY.—The monetary provisions of section 308(b)(2)(C) of Public Law 101-336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (c), except that any such relief awarded shall be paid only into the general fund of the Treasury.”.

(2) INDIVIDUAL PLANS.—Section 2761 of the Public Health Service Act (42 U.S.C. 300gg-45) is amended by adding at the end the following:

“(c) VIOLATION OF GENETIC DISCRIMINATION OR GENETIC DISCLOSURE PROVISIONS.—In any action under this section against any health insurance issuer offering health insurance coverage in the individual market (including any other person acting for or on behalf of such issuer) alleging a violation of section 2753 and 2754 the court in which the action is commenced may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney’s fees and costs, including the costs of expert witnesses.

“(d) CIVIL PENALTY.—The monetary provisions of section 308(b)(2)(C) of Public Law 101-336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (c), except that any such relief awarded shall be paid only into the general fund of the Treasury.”.

(d) PREEMPTION.—

(1) GROUP MARKET.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg-23) is amended—

(A) in subsection (a)(1), by inserting “or (e)” after “subsection (b)”; and

(B) by adding at the end the following:

“(e) SPECIAL RULE IN CASE OF GENETIC INFORMATION.—With respect to group health insurance coverage offered by a health insurance issuer, the provisions of this part relating to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect a standard, requirement, or remedy that more completely—

“(1) protects the confidentiality of genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) or the privacy of an individual or a family member of the individual with respect to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual); or

“(2) prohibits discrimination on the basis of genetic information than does this part.”.

(2) INDIVIDUAL MARKET.—Section 2762 of the Public Health Service Act (42 U.S.C. 300gg-46) is amended—

(A) in subsection (a), by inserting “and except as provided in subsection (c),” after “Subject to subsection (b),”; and

(B) by adding at the end the following:

“(c) SPECIAL RULE IN CASE OF GENETIC INFORMATION.—With respect to individual health insurance coverage offered by a health insurance issuer, the provisions of this part (or part C insofar as it applies to this part) relating to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) shall not be construed to supersede any provision of State law (as defined in section 2723(d)) which establishes, implements, or continues in effect a standard, requirement, or remedy that more completely—

“(1) protects the confidentiality of genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) or the privacy of an individual or a family member of the individual with respect to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) than does this part (or part C insofar as it applies to this part); or

“(2) prohibits discrimination on the basis of genetic information than does this part (or part C insofar as it applies to this part).”.

(e) ELIMINATION OF OPTION OF NON-FEDERAL GOVERNMENTAL PLANS TO BE EXCEPTED FROM REQUIREMENTS CONCERNING GENETIC INFORMATION.—Section 2721(b)(2) of the Public Health Service Act (42 U.S.C. 300gg-21(b)(2)) is amended—

(1) in subparagraph (A), by striking “If the plan sponsor” and inserting “Except as provided in subparagraph (D), if the plan sponsor”; and

(2) by adding at the end the following:

“(D) ELECTION NOT APPLICABLE TO REQUIREMENTS CONCERNING GENETIC INFORMATION.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F), (c), (d), (e), (f), and (g) of section 2702 and section 2707, and the provisions of section 2702(b) to the extent that they apply to genetic information (or information about a request for or the receipt of genetic services by an individual or a family member of such individual).”.

(f) AMENDMENT CONCERNING SUPPLEMENTAL EXCEPTED BENEFITS.—

(1) GROUP MARKET.—Section 2721(d)(3) of the Public Health Service Act (42 U.S.C. 300gg-23(d)(3)) is amended by inserting “, other than the requirements of subsections (a)(1)(F), (b) (in cases relating to genetic information or information about a request for or the receipt of genetic services by an individual or a family member of such individual)), (c), (d), (e), (f) and (g) of section 2702 and section 2707,” after “The requirements of this part”.

(2) INDIVIDUAL MARKET.—Section 2763(b) of the Public Health Service Act (42 U.S.C. 300gg-47(b)) is amended—

(A) by striking “The requirements of this part” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the requirements of this part”; and

(B) by adding at the end the following:

“(2) LIMITATION.—The requirements of sections 2753 and 2754 shall apply to excepted benefits described in section 2791(c)(4).”.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to—

(A) group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning; and

(B) health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market, after July 1, 2000.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act); or

(B) July 1, 2001.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement of the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 12. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PROHIBITION OF HEALTH INSURANCE DISCRIMINATION ON THE BASIS OF GENETIC SERVICES OR PREDICTIVE GENETIC INFORMATION.—Subpart B of Part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

“SEC. 714. PROHIBITING DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“Each group health plan, and health insurance issuer offering group health insurance coverage in connection with a group health plan, shall comply with the genetic non-discrimination provisions of subsections (a)(1)(F) and (c) through (g) of section 2702, and section 2707 of the Public Health Service Act, and each health insurance issuer shall comply with such provisions with respect to group health insurance coverage it offers, and such provisions shall be deemed to be incorporated into this subsection.”.

(b) ENFORCEMENT.—Section 502 (29 U.S.C. 1132) is amended by adding at the end the following:

“(n) VIOLATION OF GENETIC DISCRIMINATION OR GENETIC DISCLOSURE PROVISIONS.—In any

action under this section against any administrator of a group health plan, or health insurance issuer offering group health insurance coverage in connection with a group health plan (including any third party administrator or other person acting for or on behalf of such plan or issuer) alleging a violation of section 714, the court may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney's fees and costs, including the costs of expert witnesses.

“(o) CIVIL PENALTY.—The monetary provisions of section 308(b)(2)(C) of Public Law 101-336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (n), except that any such relief awarded shall be paid only into the general fund of the Treasury.”.

(c) PREEMPTION.—Section 731 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by inserting “or (e)” after “subsection (b)”; and

(2) by adding at the end the following:

“(e) SPECIAL RULE IN CASE OF GENETIC INFORMATION.—With respect to group health insurance coverage offered by a health insurance issuer, the provisions of this part relating to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect a standard, requirement, or remedy that more completely—

“(1) protects the confidentiality of genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) or the privacy of an individual or a family member of the individual with respect to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) than does this part; or

“(2) prohibits discrimination on the basis of genetic information than does this part.”.

(d) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

“(5) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(6) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member of such individual (including information about a request for or the receipt of genetic services by such individual or family member of such individual).

“(7) GENETIC SERVICES.—The term ‘genetic services’ means health services, including genetic tests, provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(8) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites in order to detect genotypes, mutations, or chromosomal changes.

“(9) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means—

“(i) information about an individual's genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) LIMITATIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information about chemical, blood, or urine analyses of the individual, unless these analyses are genetic tests; or

“(iii) information about physical exams of the individual, and other information relevant to determining the current health status of the individual.”.

(e) AMENDMENT CONCERNING SUPPLEMENTAL EXCEPTED BENEFITS.—Section 732(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(c)(3)) is amended by inserting “, other than the requirements of section 714,” after “The requirements of this part”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after July 1, 2001.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, this section and the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) July 1, 2001.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement of the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 13. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.

(a) PROHIBITION OF HEALTH INSURANCE DISCRIMINATION ON THE BASIS OF GENETIC SERVICES OR PREDICTIVE GENETIC INFORMATION.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“SEC. 9813. PROHIBITING DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“(a) IN GENERAL.—Each group health plan shall comply with the genetic non-discrimination provisions of subsections (a)(1)(F) and (c) through (i) of section 2702, and section 2707 of the Public Health Service Act and such provisions shall be deemed to be incorporated into this subsection.

“(b) VIOLATION OF GENETIC DISCRIMINATION OR GENETIC DISCLOSURE PROVISIONS.—In any action under this section against any administrator of a group health plan (including any third party administrator or other person acting for or on behalf of such plan) alleging a violation of subsection (a), the court may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney’s fees and costs, including the costs of expert witnesses.

“(c) CIVIL PENALTY.—The monetary provisions of section 308(b)(2)(C) of Public Law 101-336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (b), except

that any such relief awarded shall be paid only into the general fund of the Treasury.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after July 1, 2001.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, this section and the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) July 1, 2001.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement of the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

Subtitle B—Prohibition of Employment Discrimination on the Basis of Predictive Genetic Information

SEC. 21. DEFINITIONS.

In this subtitle:

(1) EMPLOYEE; EMPLOYER; EMPLOYMENT AGENCY; LABOR ORGANIZATION; MEMBER.—The terms “employee”, “employer”, “employment agency”, and “labor organization” have the meanings given such terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e), except that the terms “employee” and “employer” shall also include the meanings given such terms in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16). The terms “employee” and “member” include an applicant for employment and an applicant for membership in a labor organization, respectively.

(2) FAMILY MEMBER.—The term “family member” means with respect to an individual—

(A) the spouse of the individual;

(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

(3) GENETIC MONITORING.—The term “genetic monitoring” means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(4) GENETIC SERVICES.—The term “genetic services” means health services, including genetic tests, provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

(5) GENETIC TEST.—The term “genetic test” means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites in order to detect genotypes, mutations, or chromosomal changes.

(6) PREDICTIVE GENETIC INFORMATION.—

(A) IN GENERAL.—The term “predictive genetic information” means—

(i) information about an individual’s genetic tests;

(ii) information about genetic tests of family members of the individual; or

(iii) information about the occurrence of a disease or disorder in family members.

(B) LIMITATIONS.—The term “predictive genetic information” shall not include—

(i) information about the sex or age of the individual;

(ii) information about chemical, blood, or urine analyses of the individual, unless these analyses are genetic tests; or

(iii) information about physical exams of the individual, and other information relevant to determining the current health status of the individual.

SEC. 22. EMPLOYER PRACTICES.

(a) IN GENERAL.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual, or information about a request for or the receipt of genetic services by such individual or family member of such individual; or

(3) to request, require, collect or purchase predictive genetic information with respect to an individual or a family member of the individual except—

(A) where used for genetic monitoring of biological effects of toxic substances in the workplace, but only if—

(i) the employee has provided prior, knowing, voluntary, and written authorization;

(ii) the employee is informed of individual monitoring results;

(iii) the monitoring conforms to any genetic monitoring regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) or the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.); and

(iv) the employer, excluding any licensed health care professional that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees; or

(B) where genetic services are offered by the employer and the employee provides prior, knowing, voluntary, and written authorization, and only the employee or family member of such employee receives the results of such services.

(b) LIMITATION.—In the case of predictive genetic information to which subparagraph (A) or (B) of subsection (a)(3) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a).

SEC. 23. EMPLOYMENT AGENCY PRACTICES.

It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of

employment opportunities or would limit the employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(3) to request, require, collect or purchase predictive genetic information with respect to an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

(4) to cause or attempt to cause an employer to discriminate against an individual in violation of this subtitle.

SEC. 24. LABOR ORGANIZATION PRACTICES.

It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any individual because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or would limit the employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(3) to request, require, collect or purchase predictive genetic information with respect to an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

(4) to cause or attempt to cause an employer to discriminate against an individual in violation of this subtitle.

SEC. 25. TRAINING PROGRAMS.

It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual), in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or would limit the employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual (or information about a request for or receipt of genetic services by such individual or family member of such individual);

(3) to request, require, collect or purchase predictive genetic information with respect to an individual (or information about a request for or receipt of genetic services by such individual or family member of such individual); or

(4) to cause or attempt to cause an employer to discriminate against an individual in violation of this subtitle.

SEC. 26. MAINTENANCE AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.

(a) MAINTENANCE OF PREDICTIVE GENETIC INFORMATION.—If an employer possesses predictive genetic information about an employee (or information about a request for or receipt of genetic services by such employee or family member of such employee), such information shall be treated or maintained as part of the employee's confidential medical records.

(b) DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—An employer shall not disclose predictive genetic information (or information about a request for or receipt of genetic services by such employee or family member of such employee) except—

(1) to the employee who is the subject of the information at the request of the employee;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) under legal compulsion of a Federal court order, except that if the court order was secured without the knowledge of the individual to whom the information refers, the employer shall provide the individual with adequate notice to challenge the court order unless the court order also imposes confidentiality requirements; and

(4) to government officials who are investigating compliance with this subtitle if the information is relevant to the investigation.

SEC. 27. CIVIL ACTION.

(a) IN GENERAL.—One or more employees, members of a labor organization, or participants in training programs may bring an action in a Federal or State court of competent jurisdiction against an employer, employment agency, labor organization, or joint labor-management committee or training program who commits a violation of this subtitle.

(b) ENFORCEMENT BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.—

(1) IN GENERAL.—The powers, remedies, and procedures set forth in sections 705, 706, 707, 709, 710, and 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4, 2000e-5, 2000e-6, 2000e-8, 2000e-9, and 2000e-16) shall be the powers, remedies, and procedures provided to the Equal Employment Opportunity Commission to enforce this subtitle. The Commission may promulgate regulations to implement these powers, remedies, and procedures.

(2) EXHAUSTION OF REMEDIES.—Nothing in this subsection shall be construed to require that an individual exhaust the administrative remedies available through the Equal Employment Opportunity Commission prior to commencing a civil action under this section, except that if an individual files a charge of discrimination with the Commission that alleges a violation of this subtitle, the individual shall exhaust the administrative remedies available through the Commission prior to commencing a civil action under this section.

(c) REMEDY.—A Federal or State court may award any appropriate legal or equitable relief under this section. Such relief may include a requirement for the payment of attorney's fees and costs, including the costs of experts.

SEC. 28. CONSTRUCTION.

Nothing in this subtitle shall be construed to—

(1) limit the rights or protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), including coverage afforded to individuals under section 102 of such Act;

(2) limit the rights or protections of an individual under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(3) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights accorded under this subtitle;

(4) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains; or

(5) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations.

SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SEC. 30. EFFECTIVE DATE.

This subtitle shall become effective on October 1, 2000.

SEC. 31. NO IMPACT ON SOCIAL SECURITY TRUST FUND.—

(1) IN GENERAL.—Nothing in this title shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(2) TRANSFERS.—

(A) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this title has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(B) TRANSFER OF FUNDS.—If, under subparagraph (A), the Secretary of the Treasury estimates that the enactment of this title has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such title.

SEC. 32. INFORMATION REQUIREMENTS.—

(1) INFORMATION FROM GROUP HEALTH PLANS.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following:

“(7) INFORMATION FROM GROUP HEALTH PLANS.—

“(A) PROVISION OF INFORMATION BY GROUP HEALTH PLANS.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary such of the information elements described in subparagraph (C) as the Secretary specifies, and in such manner and at such times as the Secretary may specify (but not more frequently than 4 times per year), with respect to each individual covered under the plan who is entitled to any benefits under this title.

“(B) PROVISION OF INFORMATION BY EMPLOYERS AND EMPLOYEE ORGANIZATIONS.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan such of the information elements required to be provided under subparagraph (A), and in such manner and at such times as the Secretary may specify, at a frequency consistent with that required under subparagraph (A) with respect to each individual described in subparagraph (A) who is covered under the plan by reason of employment with that employer or membership in the organization.

“(C) INFORMATION ELEMENTS.—The information elements described in this subparagraph are the following:

“(i) ELEMENTS CONCERNING THE INDIVIDUAL.—

“(I) The individual’s name.
 “(II) The individual’s date of birth.
 “(III) The individual’s sex.
 “(IV) The individual’s social security insurance number.
 “(V) The number assigned by the Secretary to the individual for claims under this title.
 “(VI) The family relationship of the individual to the person who has or had current or employment status with the employer.
 “(ii) ELEMENTS CONCERNING THE FAMILY MEMBER WITH CURRENT OR FORMER EMPLOYMENT STATUS.—
 “(I) The name of the person in the individual’s family who has current or former employment status with the employer.
 “(II) That person’s social security insurance number.
 “(III) The number or other identifier assigned by the plan to that person.
 “(IV) The periods of coverage for that person under the plan.
 “(V) The employment status of that person (current or former) during those periods of coverage.
 “(VI) The classes (of that person’s family members) covered under the plan.
 “(iii) PLAN ELEMENTS.—
 “(I) The items and services covered under the plan.
 “(II) The name and address to which claims under the plan are to be sent.
 “(iv) ELEMENTS CONCERNING THE EMPLOYER.—
 “(I) The employer’s name.
 “(II) The employer’s address.
 “(III) The employer identification number of the employer.
 “(D) USE OF IDENTIFIERS.—The administrator of a group health plan shall utilize a unique identifier for the plan in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection. The Secretary may provide to the administrator the unique identifier described in the preceding sentence.
 “(E) PENALTY FOR NONCOMPLIANCE.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed \$1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a).”
 (2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 180 days after the date of the enactment of this Act.

SEC. 33. OFFSET.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor and the Department of Health and Human Services shall be reduced on a pro rata basis by \$25,000,000.

ASHCROFT (AND OTHERS) AMENDMENT NO. 3689

Mr. ASHCROFT (for himself, Mr. VOINOVICH, Mr. ALLARD, Mr. GRAMS, Mr. ABRAHAM, and Mr. FEINGOLD) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end, insert the following:
 SEC. ____ SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 2000.

(a) SHORT TITLE.—This section may be cited as the “Social Security and Medicare Safe Deposit Box Act of 2000”.
 (b) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—
 (1) MEDICARE SURPLUSES OFF-BUDGET.—Notwithstanding any other provision of law, the

net surplus of any trust fund for part A of Medicare shall not be counted as a net surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;
 (B) the congressional budget; or
 (C) the Balanced Budget and Emergency Deficit Control Act of 1985.

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

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

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

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

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

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

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

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

(3) SUPER MAJORITY REQUIREMENT.—

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

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

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

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

“§1100. Protection of social security and medicare surpluses

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

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

“1100. Protection of social security and medicare surpluses.”

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

CONRAD (AND LAUTENBERG) AMENDMENT NO. 3690

Mr. REID (for Mr. CONRAD (for himself, Mr. LAUTENBERG, and Mr. FEINGOLD)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

Strike all after the first word and insert the following:

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

SEC. ____1. SHORT TITLE.

This title may be cited as the “Social Security and Medicare Off-Budget Lockbox Act of 2000”.

SEC. ____2. STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.

(a) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

“(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.”

(b) SUPER MAJORITY REQUIREMENT.—

(1) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2).”

(2) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2).”

(c) ENFORCEMENT IN EACH FISCAL YEAR.—The Congressional Budget Act of 1974 is amended in—

(1) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking “for the fiscal year” through the period and inserting “for each fiscal year covered by the resolution”; and

(2) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with “for the first fiscal year” through the period and insert the following: “for any of the fiscal years covered by the concurrent resolution.”

SEC. ____3. MEDICARE TRUST FUND OFF-BUDGET.

(a) IN GENERAL.—

(1) GENERAL EXCLUSION FROM ALL BUDGETS.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

“EXCLUSION OF MEDICARE TRUST FUND FROM ALL BUDGETS

“SEC. 316. (a) EXCLUSION OF MEDICARE TRUST FUND FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Hospital Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

“(1) the budget of the United States Government as submitted by the President;

“(2) the congressional budget; or

“(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

“(b) STRENGTHENING MEDICARE POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend this section.”

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting “316,” after “313.”

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting “316,” after “313.”

(b) EXCLUSION OF MEDICARE TRUST FUND FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by adding at the end the following: “The concurrent resolution shall not include the outlays and revenue totals of the Federal Hospital Insurance

Trust Fund in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title."

(c) BUDGET TOTALS.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by inserting after paragraph (7) the following:

"(8) For purposes of Senate enforcement under this title, revenues and outlays of the Federal Hospital Insurance Trust Fund for each fiscal year covered by the budget resolution."

(d) BUDGET RESOLUTIONS.—Section 301(i) of the Congressional Budget Act of 1974 (2 U.S.C. 632(i)) is amended by—

(1) striking "SOCIAL SECURITY POINT OF ORDER.—It shall" and inserting "SOCIAL SECURITY AND MEDICARE POINTS OF ORDER.—

"(1) SOCIAL SECURITY.—It shall"; and

(2) inserting at the end the following:

"(2) MEDICARE.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the excess of the Federal Hospital Insurance Trust Fund revenues over Federal Hospital Insurance Trust Fund outlays in any of the fiscal years covered by the concurrent resolution. This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph."

(e) MEDICARE FIREWALL.—Section 311(a) of the Congressional Budget Act of 1974 (2 U.S.C. 642(a)) is amended by adding after paragraph (3), the following:

"(4) ENFORCEMENT OF MEDICARE LEVELS IN THE SENATE.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in surpluses or an increase in deficits of the Federal Hospital Insurance Trust Fund in any year relative to the levels set forth in the applicable resolution. This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph."

(f) BASELINE TO EXCLUDE HOSPITAL INSURANCE TRUST FUND.—Section 257(b)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "shall be included in all" and inserting "shall not be included in any".

(g) MEDICARE TRUST FUND EXEMPT FROM SEQUESTERS.—Section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"Medicare as funded through the Federal Hospital Insurance Trust Fund."

(h) BUDGETARY TREATMENT OF HOSPITAL INSURANCE TRUST FUND.—Section 710(a) of the Social Security Act (42 U.S.C. 911(a)) is amended—

(1) by striking "and" the second place it appears and inserting a comma; and

(2) by inserting after "Federal Disability Insurance Trust Fund" the following: ", Federal Hospital Insurance Trust Fund".

SEC. 4. PREVENTING ON-BUDGET DEFICITS.

(a) POINTS OF ORDER TO PREVENT ON-BUDGET DEFICITS.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by adding at the end the following:

"(h) POINTS OF ORDER TO PREVENT ON-BUDGET DEFICITS.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider

any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would cause or increase an on-budget deficit for any fiscal year.

"(2) SUBSEQUENT LEGISLATION.—Except as provided by paragraph (3), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report, would cause or increase an on-budget deficit for any fiscal year."

(b) SUPER MAJORITY REQUIREMENT.—

(1) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(h)," after "312(g)."

(2) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(h)," after "312(g)."

JEFFORDS (AND OTHERS)

AMENDMENT NO. 3691

Mr. JEFFORDS (for himself, Mr. FRIST, Ms. SNOWE, Mr. ASHCROFT, Mr. ENZI, and Mr. MACK) proposed an amendment to amendment No. 3688 proposed by Mr. DASCHLE to the bill, H.R. 4577, supra; as follows:

At the end of the bill, add the following:

TITLE ___ GENETIC INFORMATION AND SERVICES

SEC. ___01. SHORT TITLE.

This title may be cited as the "Genetic Information Nondiscrimination in Health Insurance Act of 1999".

SEC. ___02. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 702(a)(1)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services)".

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

"SEC. 714. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services)."

(3) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended by adding at the end the following:

"(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis

of predictive genetic information (including information about a request for or receipt of genetic services), see section 714."

(B) TABLE OF CONTENTS.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Prohibiting premium discrimination against groups on the basis of predictive genetic information."

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

"(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

"(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).

"(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

"(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

"(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

"(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the plan or issuer for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.”.

(c) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

“(5) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(6) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

“(7) GENETIC SERVICES.—The term ‘genetic services’ means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(8) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

“(i) information about an individual’s genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) EXCEPTIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

“(iii) information about physical exams of the individual.

“(9) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.”.

(d) EFFECTIVE DATE.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning 1 year after the date of the enactment of this Act.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION IN THE GROUP MARKET.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the

period the following: “(including information about a request for or receipt of genetic services)”.

(B) NO DISCRIMINATION IN PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

“SEC. 2707. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION IN THE GROUP MARKET.

“A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services)”.

(C) CONFORMING AMENDMENT.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg-1(b)) is amended by adding at the end the following:

“(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 2707.”.

(D) LIMITATION ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

“(C) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

“(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and

conspicuous manner, notice of the plan or issuer’s confidentiality practices, that shall include—

“(i) a description of an individual’s rights with respect to predictive genetic information;

“(ii) the procedures established by the plan or issuer for the exercise of the individual’s rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.”.

(2) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following:

“(15) FAMILY MEMBER.—The term ‘family member’ means, with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(16) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

“(17) GENETIC SERVICES.—The term ‘genetic services’ means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(18) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

“(i) information about an individual’s genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) EXCEPTIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

“(iii) information about physical exams of the individual.

“(19) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests,

such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.”.

(e) AMENDMENTS TO PHSA RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.) (relating to other requirements) (42 U.S.C. 300gg–51 et seq.) is amended by adding at the end the following:

“SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“(a) PROHIBITION ON PREDICTIVE GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—A health insurance issuer offering health insurance coverage in the individual market may not use predictive genetic information as a condition of eligibility of an individual to enroll in individual health insurance coverage (including information about a request for or receipt of genetic services).

“(b) PROHIBITION ON PREDICTIVE GENETIC INFORMATION IN SETTING PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium rates for individuals on the basis of predictive genetic information concerning such an individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a health insurance issuer offering health insurance coverage in the individual market shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the health insurance issuer offering health insurance coverage in the individual market shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

“(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A health insurance issuer offering health insurance coverage in the individual market shall post or provide, in writing and in a clear and conspicuous manner, notice of the issuer's confidentiality practices, that shall include—

“(i) a description of an individual's rights with respect to predictive genetic information;

“(ii) the procedures established by the issuer for the exercise of the individual's rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A health insurance issuer offering health insurance coverage in the individual market shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such issuer.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after 1 year after the date of enactment of this Act; and

(2) health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after 1 year after the date of enactment of this Act.

SEC. 404. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 9802(a)(1)(F) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: “(including information about a request for or receipt of genetic services)”.

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—

(A) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is further amended by adding at the end the following:

“SEC. 9813. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“A group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).”.

(B) CONFORMING AMENDMENT.—Section 9802(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 9813.”.

(C) AMENDMENT TO TABLE OF SECTIONS.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“Sec. 9813. Prohibiting premium discrimination against groups on the basis of predictive genetic information.”.

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 9802 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(d) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES; DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (e), of such predictive genetic information.

“(e) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A group health plan shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan's confidentiality practices, that shall include—

“(i) a description of an individual's rights with respect to predictive genetic information;

“(ii) the procedures established by the plan for the exercise of the individual's rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan.”.

(c) DEFINITIONS.—Section 9832(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(6) FAMILY MEMBER.—The term ‘family member’ means, with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(7) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

"(8) GENETIC SERVICES.—The term 'genetic services' means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

"(9) PREDICTIVE GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'predictive genetic information' means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

"(i) information about an individual's genetic tests;

"(ii) information about genetic tests of family members of the individual; or

"(iii) information about the occurrence of a disease or disorder in family members.

"(B) EXCEPTIONS.—The term 'predictive genetic information' shall not include—

"(i) information about the sex or age of the individual;

"(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

"(iii) information about physical exams of the individual.

"(10) GENETIC TEST.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease."

(d) EFFECTIVE DATE.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after 1 year after the date of the enactment of this Act.

TORRICELLI (AND REED) AMENDMENT NO. 3692

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. REED) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 26, line 25, strike "\$3,204,496,000, of which" and insert "\$3,214,496,000, of which \$10,000,000 shall be made available to carry out section 317A of the Public Health Service Act and of which".

On page 92, between lines 4 and 5, insert the following:

SEC. ____ Amounts made available under this Act for the salaries and expenses of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis, by a total of \$10,000,000.

DORGAN (AND OTHERS) AMENDMENT NO. 3693

Mr. DORGAN (for himself, Mr. KENNEDY, Mr. DASCHLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KERRY, Mr. EDWARDS, Mr. HARKIN, Mr. REID, Mr. ROCKEFELLER, and Mr. ROBB) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. ____ Any Act that is designed to protect patients against the abuses of managed care that is enacted after June 27, 2000, shall, at a minimum—

(1) provide a floor of Federal protection that is applicable to all individuals enrolled

in private health plans or private health insurance coverage, including—

(A) individuals enrolled in self-insured and insured health plans that are regulated under the Employee Retirement Income Security Act of 1974;

(B) individuals enrolled in health insurance coverage purchased in the individual market; and

(C) individuals enrolled in health plans offered to State and local government employees;

(2) provide that States may provide patient protections that are equal to or greater than the protections provided under such Act; and

(3) provide the Federal Government with the authority to ensure that the Federal floor referred to in paragraph (1) is being guaranteed and enforced with respect to all individuals described in such paragraph, including determining whether protections provided under State law meet the standards of such Act.

NICKLES AMENDMENT NO. 3694

Mr. NICKLES proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, strike line 5, and insert the following:

DIVISION ____ HEALTH CARE ACCESS AND PROTECTIONS FOR CONSUMERS

SEC. 1. SHORT TITLE.

This division may be cited as the "Patients' Bill of Rights Plus Act".

TITLE I—TAX-RELATED HEALTH CARE PROVISIONS

Subtitle A—Health Care and Long-Term Care

SEC. 101. DEDUCTION FOR HEALTH AND LONG-TERM CARE INSURANCE COSTS OF INDIVIDUALS NOT PARTICIPATING IN EMPLOYER-SUBSIDIZED HEALTH PLANS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 222 as section 223 and by inserting after section 221 the following new section:

"SEC. 222. HEALTH AND LONG-TERM CARE INSURANCE COSTS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the applicable percentage of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.

"(b) APPLICABLE PERCENTAGE.—

"(1) IN GENERAL.—For purposes of subsection (a), the applicable percentage shall be determined in accordance with the following table:

For taxable years beginning in calendar year—	The applicable percentage is—
2002 and 2003	25
2004	35
2005	65
2006 and thereafter	100.

"(2) LONG-TERM CARE INSURANCE FOR INDIVIDUALS 60 YEARS OR OLDER.—In the case of amounts paid for a qualified long-term care insurance contract for an individual who has attained age 60 before the close of the taxable year, the applicable percentage is 100.

"(c) LIMITATION BASED ON OTHER COVERAGE.—

"(1) COVERAGE UNDER CERTAIN SUBSIDIZED EMPLOYER PLANS.—

"(A) IN GENERAL.—Subsection (a) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any health plan maintained by any employer of the taxpayer or of the spouse of the taxpayer if 50 percent or more of the cost of coverage under such plan (determined under sec-

tion 4980B and without regard to payments made with respect to any coverage described in subsection (e)) is paid or incurred by the employer.

"(B) EMPLOYER CONTRIBUTIONS TO CAFETERIA PLANS, FLEXIBLE SPENDING ARRANGEMENTS, AND MEDICAL SAVINGS ACCOUNTS.—Employer contributions to a cafeteria plan, a flexible spending or similar arrangement, or a medical savings account which are excluded from gross income under section 106 shall be treated for purposes of subparagraph (A) as paid by the employer.

"(C) AGGREGATION OF PLANS OF EMPLOYER.—A health plan which is not otherwise described in subparagraph (A) shall be treated as described in such subparagraph if such plan would be so described if all health plans of persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 were treated as one health plan.

"(D) SEPARATE APPLICATION TO HEALTH INSURANCE AND LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (C) shall be applied separately with respect to—

"(i) plans which include primarily coverage for qualified long-term care services or are qualified long-term care insurance contracts; and

"(ii) plans which do not include such coverage and are not such contracts.

"(2) COVERAGE UNDER CERTAIN FEDERAL PROGRAMS.—

"(A) IN GENERAL.—Subsection (a) shall not apply to any amount paid for any coverage for an individual for any calendar month if, as of the first day of such month, the individual is covered under any medical care program described in—

"(i) title XVIII, XIX, or XXI of the Social Security Act,

"(ii) chapter 55 of title 10, United States Code,

"(iii) chapter 17 of title 38, United States Code,

"(iv) chapter 89 of title 5, United States Code, or

"(v) the Indian Health Care Improvement Act.

"(B) EXCEPTIONS.—

"(i) QUALIFIED LONG-TERM CARE.—Subparagraph (A) shall not apply to amounts paid for coverage under a qualified long-term care insurance contract.

"(ii) CONTINUATION COVERAGE OF FEHBP.—Subparagraph (A)(iv) shall not apply to coverage which is comparable to continuation coverage under section 4980B.

"(d) LONG-TERM CARE DEDUCTION LIMITED TO QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.—In the case of a qualified long-term care insurance contract, only eligible long-term care premiums (as defined in section 213(d)(10)) may be taken into account under subsection (a).

"(e) DEDUCTION NOT AVAILABLE FOR PAYMENT OF ANCILLARY COVERAGE PREMIUMS.—Any amount paid as a premium for insurance which provides for—

"(1) coverage for accidents, disability, dental care, vision care, or a specified illness, or

"(2) making payments of a fixed amount per day (or other period) by reason of being hospitalized, shall not be taken into account under subsection (a).

"(f) SPECIAL RULES.—

"(1) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—The amount taken into account by the taxpayer in computing the deduction under section 162(l) shall not be taken into account under this section.

"(2) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount taken into account by the taxpayer in computing the deduction under this section shall not be taken into account under section 213.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations requiring employers to report to their employees and the Secretary such information as the Secretary determines to be appropriate.”

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting after paragraph (17) the following new item:

“(18) HEALTH AND LONG-TERM CARE INSURANCE COSTS.—The deduction allowed by section 222.”

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

“Sec. 222. Health and long-term care insurance costs.

“Sec. 223. Cross reference.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 102. DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.”

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) of such Code is amended to read as follows: “Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 103. LONG-TERM CARE INSURANCE PERMITTED TO BE OFFERED UNDER CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) CAFETERIA PLANS.—

(1) IN GENERAL.—Subsection (f) of section 125 of the Internal Revenue Code of 1986 (defining qualified benefits) is amended by inserting before the period at the end “; except that such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract”.

(b) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of such Code (relating to contributions by employer to accident and health plans) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 104. ADDITIONAL PERSONAL EXEMPTION FOR TAXPAYER CARING FOR ELDERLY FAMILY MEMBER IN TAXPAYER'S HOME.

(a) IN GENERAL.—Section 151 of the Internal Revenue Code of 1986 (relating to allowance of deductions for personal exemptions) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

“(e) ADDITIONAL EXEMPTION FOR CERTAIN ELDERLY FAMILY MEMBERS RESIDING WITH TAXPAYER.—

“(1) IN GENERAL.—An exemption of the exemption amount for each qualified family member of the taxpayer.

“(2) QUALIFIED FAMILY MEMBER.—For purposes of this subsection, the term ‘qualified family member’ means, with respect to any taxable year, any individual—

“(A) who is an ancestor of the taxpayer or of the taxpayer's spouse or who is the spouse of any such ancestor,

“(B) who is a member for the entire taxable year of a household maintained by the taxpayer, and

“(C) who has been certified, before the due date for filing the return of tax for the taxable year (without extensions), by a physician (as defined in section 1861(r)(1) of the Social Security Act) as being an individual with long-term care needs described in paragraph (3) for a period—

“(i) which is at least 180 consecutive days, and

“(ii) a portion of which occurs within the taxable year.

Such term shall not include any individual otherwise meeting the requirements of the preceding sentence unless within the 39½ month period ending on such due date (or such other period as the Secretary prescribes) a physician (as so defined) has certified that such individual meets such requirements.

“(3) INDIVIDUALS WITH LONG-TERM CARE NEEDS.—An individual is described in this paragraph if the individual—

“(A) is unable to perform (without substantial assistance from another individual) at least two activities of daily living (as defined in section 7702B(c)(2)(B)) due to a loss of functional capacity, or

“(B) requires substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment and is unable to perform, without reminding or cuing assistance, at least one activity of daily living (as so defined) or to the extent provided in regulations prescribed by the Secretary (in consultation with the Secretary of Health and Human Services), is unable to engage in age appropriate activities.

“(4) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (2), (3), (4), and (5) of section 21(e) shall apply for purposes of this subsection.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 105. STUDY OF LONG-TERM CARE NEEDS IN THE 21ST CENTURY.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall on or after October 1, 2001, provide, in accordance with this section, for a study in order to determine—

(1) future demand for long-term health care services (including institutional and home and community-based services) in the United States in order to meet the needs in the 21st century; and

(2) long-term options to finance the provision of such services.

(b) DETAILS.—The study conducted under subsection (a) shall include the following:

(1) An identification of the relevant demographic characteristics affecting demand for long-term health care services, at least through the year 2030.

(2) The viability and capacity of community-based and other long-term health care services under different federal programs, including through the medicare and medicaid programs, grants to States, housing services, and changes in tax policy.

(3) How to improve the quality of long-term health care services.

(4) The integration of long-term health care services for individuals between different classes of health care providers (such as hospitals, nursing facilities, and home care agencies) and different Federal programs (such as the medicare and medicaid programs).

(5) The possibility of expanding private sector initiatives, including long-term care insurance, to meet the need to finance such services.

(6) An examination of the effect of enactment of the Health Insurance Portability and Accountability Act of 1996 on the provision and financing of long-term health care services, including on portability and affordability of private long-term care insurance, the impact of insurance options on low-income older Americans, and the options for eligibility to improve access to such insurance.

(7) The financial impact of the provision of long-term health care services on caregivers and other family members.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—October 1, 2002, the Secretary shall provide for a report on the study under this section.

(2) RECOMMENDATIONS.—The report under paragraph (1) shall include findings and recommendations regarding each of the following:

(A) The most effective and efficient manner that the Federal Government may use its resources to educate the public on planning for needs for long-term health care services.

(B) The public, private, and joint public-private strategies for meeting identified needs for long-term health care services.

(C) The role of States and local communities in the financing of long-term health care services.

(3) INCLUSION OF COST ESTIMATES.—The report under paragraph (1) shall include cost estimates of the various options for which recommendations are made.

(d) CONDUCT OF STUDY.—

(1) USE OF INSTITUTE OF MEDICINE.—The Secretary of Health and Human Services shall seek to enter into an appropriate arrangement with the Institute of Medicine of the National Academy of Sciences to conduct the study under this section. If such an arrangement cannot be made, the Secretary may provide for the conduct of the study by any other qualified non-governmental entity.

(2) CONSULTATION.—The study should be conducted under this section in consultation with experts from a wide-range of groups from the public and private sectors.

Subtitle B—Medical Savings Accounts

SEC. 111. EXPANSION OF AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) REPEAL OF LIMITATIONS ON NUMBER OF MEDICAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Subsections (i) and (j) of section 220 of the Internal Revenue Code of 1986 are hereby repealed.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 220(c) of such Code is amended by striking subparagraph (D).

(B) Section 138 of such Code is amended by striking subsection (f).

(b) AVAILABILITY NOT LIMITED TO ACCOUNTS FOR EMPLOYEES OF SMALL EMPLOYERS AND SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—Section 220(c)(1)(A) of such Code (relating to eligible individual) is amended to read as follows:

“(A) IN GENERAL.—The term ‘eligible individual’ means, with respect to any month, any individual if—

“(i) such individual is covered under a high deductible health plan as of the 1st day of such month, and

“(ii) such individual is not, while covered under a high deductible health plan, covered under any health plan—

“(I) which is not a high deductible health plan, and

“(II) which provides coverage for any benefit which is covered under the high deductible health plan.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 220(c)(1) of such Code is amended by striking subparagraph (C).

(B) Section 220(c) of such Code is amended by striking paragraph (4) (defining small employer) and by redesignating paragraph (5) as paragraph (4).

(C) Section 220(b) of such Code is amended by striking paragraph (4) (relating to deduction limited by compensation) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(C) INCREASE IN AMOUNT OF DEDUCTION ALLOWED FOR CONTRIBUTIONS TO MEDICAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Paragraph (2) of section 220(b) of such Code is amended to read as follows:

“(2) MONTHLY LIMITATION.—The monthly limitation for any month is the amount equal to $\frac{1}{2}$ of the annual deductible (as of the first day of such month) of the individual's coverage under the high deductible health plan.”.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 220(d)(1)(A) of such Code is amended by striking “75 percent of”.

(d) BOTH EMPLOYERS AND EMPLOYEES MAY CONTRIBUTE TO MEDICAL SAVINGS ACCOUNTS.—Paragraph (4) of section 220(b) of such Code (as redesignated by subsection (b)(2)(C)) is amended to read as follows:

“(4) COORDINATION WITH EXCLUSION FOR EMPLOYER CONTRIBUTIONS.—The limitation which would (but for this paragraph) apply under this subsection to the taxpayer for any taxable year shall be reduced (but not below zero) by the amount which would (but for section 106(b)) be includible in the taxpayer's gross income for such taxable year.”.

(e) REDUCTION OF PERMITTED DEDUCTIBLES UNDER HIGH DEDUCTIBLE HEALTH PLANS.—

(1) IN GENERAL.—Subparagraph (A) of section 220(c)(2) of such Code (defining high deductible health plan) is amended—

(A) by striking “\$1,500” in clause (i) and inserting “\$1,000”; and

(B) by striking “\$3,000” in clause (ii) and inserting “\$2,000”; and

(C) by striking the matter preceding subclause (I) in clause (iii) and inserting “pursuant to which the annual out-of-pocket expenses (including deductibles and co-payments) are required to be paid under the plan (other than for premiums) for covered benefits and may not exceed—”.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 220 of such Code is amended to read as follows:

“(g) COST-OF-LIVING ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2002, each dollar amount in subsection (c)(2) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) SPECIAL RULES.—In the case of the \$1,000 amount in subsection (c)(2)(A)(i) and the \$2,000 amount in subsection (c)(2)(A)(ii), paragraph (1)(B) shall be applied by substituting ‘calendar year 2002’ for ‘calendar year 2001’.

“(3) ROUNDING.—If any increase under paragraph (1) or (2) is not a multiple of \$50, such increase shall be rounded to the nearest multiple of \$50.”.

(f) LIMITATION ON ADDITIONAL TAX ON DISTRIBUTIONS NOT USED FOR QUALIFIED MEDICAL EXPENSES.—Section 220(f)(4) of such Code (relating to additional tax on distributions not used for qualified medical expenses) is amended by adding at the end the following:

“(D) EXCEPTION IN CASE OF SUFFICIENT ACCOUNT BALANCE.—Subparagraph (A) shall not apply to any payment or distribution in any taxable year, but only to the extent such payment or distribution does not reduce the fair market value of the assets of the medical savings account to an amount less than the annual deductible for the high deductible health plan of the account holder (determined as of the earlier of January 1 of the calendar year in which the taxable year begins or January 1 of the last calendar year in which the account holder is covered under a high deductible health plan).”.

(g) TREATMENT OF NETWORK-BASED MANAGED CARE PLANS.—Section 220(c)(2)(B) of such Code (relating to special rules for high deductible health plans) is amended by adding at the end the following:

“(iii) TREATMENT OF NETWORK-BASED MANAGED CARE PLANS.—A plan which provides health care services through a network of contracted or affiliated health care providers, if the benefits provided when services are obtained through network providers meet the requirements of subparagraph (A), shall not fail to be treated as a high deductible health plan by reason of providing benefits for services rendered by providers who are not members of the network, so long as the annual deductible and annual limit on out-of-pocket expenses applicable to services received from non-network providers are not lower than those applicable to services received from the network providers.”.

(h) MEDICAL SAVINGS ACCOUNTS MAY BE OFFERED UNDER CAFETERIA PLANS.—Subsection (f) of section 125 of such Code is amended by striking “106(b)”,.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(2) LIMITATION ON ADDITIONAL TAX ON DISTRIBUTIONS NOT USED FOR QUALIFIED MEDICAL EXPENSES.—The amendment made by subsection (f) shall apply to taxable years beginning after December 31, 2005.

SEC. 112. AMENDMENTS TO TITLE 5, UNITED STATES CODE, RELATING TO MEDICAL SAVINGS ACCOUNTS AND HIGH DEDUCTIBLE HEALTH PLANS UNDER FEHBP.

(a) MEDICAL SAVINGS ACCOUNTS.—

(1) CONTRIBUTIONS.—Title 5, United States Code, is amended by redesignating section 8906a as section 8906c and by inserting after section 8906 the following:

“§ 8906a. Government contributions to medical savings accounts

“(a) An employee or annuitant enrolled in a high deductible health plan is entitled, in addition to the Government contribution under section 8906(b) toward the subscription charge for such plan, to have a Government contribution made, in accordance with succeeding provisions of this section, to a medical savings account of such employee or annuitant.

“(b)(1) The biweekly Government contribution under this section shall, in the case of any such employee or annuitant, be equal to the amount (if any) by which—

“(A) the biweekly equivalent of the maximum Government contribution for the con-

tract year involved (as defined by paragraph (2)), exceeds

“(B) the amount of the biweekly Government contribution payable on such employee's or annuitant's behalf under section 8906(b) for the period involved.

“(2) For purposes of this section, the term ‘maximum Government contribution’ means, with respect to a contract year, the maximum Government contribution that could be made for health benefits for an employee or annuitant for such contract year, as determined under section 8906(b) (disregarding paragraph (2) thereof).

“(3) Notwithstanding any other provision of this section, no contribution under this section shall be payable to any medical savings account of an employee or annuitant for any period—

“(A) if, as of the first day of the month before the month in which such period commences, such employee or annuitant (or the spouse of such employee or annuitant, if coverage is for self and family) is entitled to benefits under part A of title XVIII of the Social Security Act;

“(B) to the extent that such contribution, when added to previous contributions made under this section for that same year with respect to such employee or annuitant, would cause the total to exceed—

“(i) the limitation under paragraph (1) of section 220(b) of the Internal Revenue Code of 1986 (determined without regard to paragraph (3) thereof) which is applicable to such employee or annuitant for the calendar year in which such period commences; or

“(ii) such lower amount as the employee or annuitant may specify in accordance with regulations of the Office, including an election not to receive contributions under this section for a year or the remainder of a year; or

“(C) for which any information (or documentation) under subsection (d) that is needed in order to make such contribution has not been timely submitted.

“(4) Notwithstanding any other provision of this section, no contribution under this section shall be payable to any medical savings account of an employee for any period in a contract year unless that employee was enrolled in a health benefits plan under this chapter as an employee for not less than—

“(A) the 1 year of service immediately before the start of such contract year, or

“(B) the full period or periods of service between the last day of the first period, as prescribed by regulations of the Office of Personnel Management, in which he is eligible to enroll in the plan and the day before the start of such contract year, whichever is shorter.

“(5) The Office shall provide for the conversion of biweekly rates of contributions specified by paragraph (1) to rates for employees and annuitants whose pay or annuity is provided on other than a biweekly basis, and for this purpose may provide for the adjustment of the converted rate to the nearest cent.

“(c) A Government contribution under this section—

“(1) shall be made at the same time that, and the same frequency with which, Government contributions under section 8906(b) are made for the benefit of the employee or annuitant involved; and

“(2) shall be payable from the same appropriation, fund, account, or other source as would any Government contributions under section 8906(b) with respect to the employee or annuitant involved.

“(d) The Office shall by regulation prescribe the time, form, and manner in which an employee or annuitant shall submit any information (and supporting documentation) necessary to identify any medical savings

account to which contributions under this section are requested to be made.

“(e) Nothing in this section shall be considered to entitle an employee or annuitant to any Government contribution under this section with respect to any period for which such employee or annuitant is ineligible for a Government contribution under section 8906(b).

“§ 8906b. Individual contributions to medical savings accounts

“(a) Upon the written request of an employee or annuitant enrolled in a high deductible health plan, there shall be withheld from the pay or annuity of such employee or annuitant and contributed to the medical savings account identified by such employee or annuitant in accordance with applicable regulations under subsection (c) such amount as the employee or annuitant may specify.

“(b) Notwithstanding subsection (a), no withholding under this section may be made from the pay or annuity of an employee or annuitant for any period—

“(1) if, or to the extent that, a Government contribution for such period under section 8906a would not be allowable by reason of subparagraph (A) or (B)(i) of subsection (b)(3) thereof;

“(2) for which any information (or documentation) that is needed in order to make such contribution has not been timely submitted; or

“(3) if the employee or annuitant submits a request for termination of withholdings, beginning on or after the effective date of the request and before the end of the year.

“(c) The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any request for withholdings under this section may be made, changed, or terminated.”.

(2) RULES OF CONSTRUCTION.—Nothing in this section or in any amendment made by this section shall be considered—

(A) to permit or require that any contributions to a medical savings account (whether by the Government or through withholdings from pay or annuity) be paid into the Employees Health Benefits Fund; or

(B) to affect any authority under section 1005(f) of title 39, United States Code, to vary, add to, or substitute for any provision of chapter 89 of title 5, United States Code, as amended by this section.

(3) CONFORMING AMENDMENTS.—

(A) The table of sections at the beginning of chapter 89 of title 5, United States Code, is amended by striking the item relating to section 8906a and inserting the following:

“8906a. Government contributions to medical savings accounts.

“8906b. Individual contributions to medical savings accounts.

“8906c. Temporary employees.”.

(B) Section 8913(b)(4) of title 5, United States Code, is amended by striking “8906a(a)” and inserting “8906c(a)”.

(b) INFORMATIONAL REQUIREMENTS.—Section 8907 of title 5, United States Code, is amended by adding at the end the following:

“(c) In addition to any information otherwise required under this section, the Office shall make available to all employees and annuitants eligible to enroll in a high deductible health plan, information relating to—

“(1) the conditions under which Government contributions under section 8906a shall be made to a medical savings account;

“(2) the amount of any Government contributions under section 8906a to which an employee or annuitant may be entitled (or how such amount may be ascertained);

“(3) the conditions under which contributions to a medical savings account may be made under section 8906b through withholdings from pay or annuity; and

“(4) any other matter the Office considers appropriate in connection with medical savings accounts.”.

(c) HIGH DEDUCTIBLE HEALTH PLAN AND MEDICAL SAVINGS ACCOUNT DEFINED.—Section 8901 of title 5, United States Code, is amended—

(1) in paragraph (10) by striking “and” after the semicolon;

(2) in paragraph (11) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(12) the term ‘high deductible health plan’ means a plan described by section 8903(5) or section 8903a(d); and

“(13) the term ‘medical savings account’ has the meaning given such term by section 220(d) of the Internal Revenue Code of 1986.”.

(d) AUTHORITY TO CONTRACT FOR HIGH DEDUCTIBLE HEALTH PLANS, ETC.—

(1) CONTRACTS FOR HIGH DEDUCTIBLE HEALTH PLANS.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

“(p)(1) The Office shall contract under this chapter for a high deductible health plan with any qualified carrier that offers such a plan and, as of the date of enactment of this subsection, offers a health benefits plan under this chapter.

“(2) The Office may contract under this chapter for a high deductible health plan with any qualified carrier that offers such a plan, but does not, as of the date of enactment of this subsection, offer a health benefits plan under this chapter.”.

(2) COMPUTATION OF GOVERNMENT CONTRIBUTIONS TO PLANS UNDER CHAPTER 89 NOT AFFECTED BY HIGH DEDUCTIBLE HEALTH PLANS.—Paragraph (2) of section 8906(a) of title 5, United States Code, is amended by striking “(2)” and inserting “(2)(A)”, and adding at the end the following:

“(B) Notwithstanding any other provision of this section, the subscription charges for, and the number of enrollees enrolled in, high deductible health plans shall be disregarded for purposes of determining any weighted average under paragraph (1).”.

(e) DESCRIPTION OF HIGH DEDUCTIBLE HEALTH PLANS AND BENEFITS TO BE PROVIDED THEREUNDER.—

(1) IN GENERAL.—Section 8903 of title 5, United States Code, is amended by adding at the end the following:

“(5) HIGH DEDUCTIBLE HEALTH PLANS.—(A) One or more plans described by paragraph (1), (2), (3), or (4), which—

“(i) are high deductible health plans (as defined by section 220(c)(2) of the Internal Revenue Code of 1986); and

“(ii) provide benefits of the types referred to by section 8904(a)(5).

“(B) Nothing in this section shall be considered—

“(i) to prevent a carrier from simultaneously offering a plan described by subparagraph (A) and a plan described by paragraph (1) or (2); or

“(ii) to require that a high deductible health plan offer two levels of benefits.”.

(2) TYPES OF BENEFITS.—Section 8904(a) of title 5, United States Code, is amended by inserting after paragraph (4) the following:

“(5) HIGH DEDUCTIBLE HEALTH PLANS.—Benefits of the types named under paragraph (1) or (2) of this subsection or both.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 8903a of title 5, United States Code, is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

“(d) The plans under this section may include one or more plans, otherwise allowable

under this section, that satisfy the requirements of clauses (i) and (ii) of section 8903(5)(A).”.

(B) Section 8909(d) of title 5, United States Code, is amended by striking “8903a(d)” and inserting “8903a(e)”.

(4) REFERENCES.—Section 8903 of title 5, United States Code, is amended by adding after paragraph (5) (as added by paragraph (1) of this subsection) as a flush left sentence, the following:

“The Office shall prescribe regulations in accordance with which the requirements of section 8902(c), 8902(n), 8909(e), and any other provision of this chapter that applies with respect to a plan described by paragraph (1), (2), (3), or (4) of this section shall apply with respect to the corresponding plan under paragraph (5) of this section. Similar regulations shall be prescribed with respect to any plan under section 8903a(d).”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contract years beginning on or after October 1, 2001. The Office of Personnel Management shall take appropriate measures to ensure that coverage under a high deductible health plan under chapter 89 of title 5, United States Code (as amended by this section) shall be available as of the beginning of the first contract year described in the preceding sentence.

SEC. 113. RULE WITH RESPECT TO CERTAIN PLANS.

(a) IN GENERAL.—Notwithstanding any other provision of law, health insurance issuers may offer, and eligible individuals may purchase, high deductible health plans described in section 220(c)(2)(A) of the Internal Revenue Code of 1986. Effective for the 5-year period beginning on October 1, 2001, such health plans shall not be required to provide payment for any health care items or services that are exempt from the plan's deductible.

(b) EXISTING STATE LAWS.—A State law relating to payment for health care items and services in effect on the date of enactment of this Act that is preempted under paragraph (1), shall not apply to high deductible health plans after the expiration of the 5-year period described in such paragraph unless the State reenacts such law after such period.

Subtitle C—Other Health-Related Provisions

SEC. 121. EXPANDED HUMAN CLINICAL TRIALS QUALIFYING FOR ORPHAN DRUG CREDIT.

(a) IN GENERAL.—Subclause (I) of section 45C(b)(2)(A)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) after the date that the application is filed for designation under such section 526, and”.

(b) CONFORMING AMENDMENT.—Clause (i) of section 45C(b)(2)(A) of such Code is amended by inserting “which is” before “being” and by inserting before the comma at the end “and which is designated under section 526 of such Act”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2001.

SEC. 122. CARRYOVER OF UNUSED BENEFITS FROM CAFETERIA PLANS, FLEXIBLE SPENDING ARRANGEMENTS, AND HEALTH FLEXIBLE SPENDING ACCOUNTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j) and by inserting after subsection (g) the following new subsection:

“(h) ALLOWANCE OF CARRYOVERS OF UNUSED BENEFITS TO LATER TAXABLE YEARS.—

“(1) IN GENERAL.—For purposes of this title—

“(A) notwithstanding subsection (d)(2), a plan or other arrangement shall not fail to be treated as a cafeteria plan or flexible spending or similar arrangement, and

“(B) no amount shall be required to be included in gross income by reason of this section or any other provision of this chapter, solely because under such plan or other arrangement any nontaxable benefit which is unused as of the close of a taxable year may be carried forward to 1 or more succeeding taxable years.

“(2) LIMITATION.—Paragraph (1) shall not apply to amounts carried from a plan to the extent such amounts exceed \$500 (applied on an annual basis). For purposes of this paragraph, all plans and arrangements maintained by an employer or any related person shall be treated as 1 plan.

“(3) ALLOWANCE OF ROLLOVER.—

“(A) IN GENERAL.—In the case of any unused benefit described in paragraph (1) which consists of amounts in a health flexible spending account or dependent care flexible spending account, the plan or arrangement shall provide that a participant may elect, in lieu of such carryover, to have such amounts distributed to the participant.

“(B) AMOUNTS NOT INCLUDED IN INCOME.—Any distribution under subparagraph (A) shall not be included in gross income to the extent that such amount is transferred in a trustee-to-trustee transfer, or is contributed within 60 days of the date of the distribution, to—

“(i) a qualified cash or deferred arrangement described in section 401(k),

“(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

“(iii) an eligible deferred compensation plan described in section 457, or

“(iv) a medical savings account (within the meaning of section 220).

Any amount rolled over under this subparagraph shall be treated as a rollover contribution for the taxable year from which the unused amount would otherwise be carried.

“(C) TREATMENT OF ROLLOVER.—Any amount rolled over under subparagraph (B) shall be treated as an eligible rollover under section 220, 401(k), 403(b), or 457, whichever is applicable, and shall be taken into account in applying any limitation (or participation requirement) on employer or employee contributions under such section or any other provision of this chapter for the taxable year of the rollover.

“(4) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2002, the \$500 amount under paragraph (2) shall be adjusted at the same time and in the same manner as under section 415(d)(2), except that the base period taken into account shall be the calendar quarter beginning October 1, 2001, and any increase which is not a multiple of \$50 shall be rounded to the next lowest multiple of \$50.

“(5) APPLICABILITY.—This subsection shall apply to taxable years beginning after December 31, 2001.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 123. REDUCTION IN TAX ON VACCINES.

(a) IN GENERAL.—Paragraph (1) of section 4131(b) of the Internal Revenue Code of 1986 (relating to amount of tax) is amended by striking “75 cents” and inserting “50 cents”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2002.

Subtitle D—Miscellaneous Provisions

SEC. 131. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this division (or an amendment made by this division)

shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this division has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this division has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such division.

SEC. 132. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking “2003” and inserting “2010”.

SEC. 133. ESTABLISHMENT OF MEDICARE ADMINISTRATIVE FEE FOR SUBMISSION OF PAPER CLAIMS.

(a) IMPOSITION OF FEE.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Health and Human Services shall establish (in the form of a separate fee or reduction of payment otherwise made under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) an administrative fee of \$1 for the submission of a claim in a paper or non-electronic form for items or services for which payment is sought under such title.

(b) EXCEPTION AUTHORITY.—The Secretary of Health and Human Services shall waive the imposition of the fee under subsection (a)—

(1) in cases in which there is no method available for the submission of claims other than in a paper or non-electronic form; and

(2) for rural providers and small providers that the Secretary determines, under procedures established by the Secretary, are unable to purchase the necessary hardware in order to submit claims electronically.

(c) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this section as an allowable item on a cost report under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or title XIX of such Act (42 U.S.C. 1396 et seq.).

(d) EFFECTIVE DATE.—The provisions of this section apply to claims submitted on or after January 1, 2002.

SEC. 134. ESTABLISHMENT OF MEDICARE ADMINISTRATIVE FEE FOR SUBMISSION OF DUPLICATE AND UNPROCESSABLE CLAIMS.

(a) IMPOSITION OF FEE.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall establish (in the form of a separate fee or reduction of payment otherwise made under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) an administrative fee of \$2 for the submission of a claim described in subsection (b).

(b) CLAIMS SUBJECT TO FEE.—A claim described in this subsection is a claim that—

(1) is submitted by an individual or entity for items or services for which payment is sought under title XVIII of the Social Security Act; and

(2) either—

(A) duplicates, in whole or in part, another claim submitted by the same individual or entity; or

(B) is a claim that cannot be processed and must, in accordance with the Secretary of Health and Human Service's instructions, be returned by the fiscal intermediary or carrier to the individual or entity for completion.

(c) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this section as an allowable item on a cost report under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or title XIX of such Act (42 U.S.C. 1396 et seq.).

(d) EFFECTIVE DATE.—The provisions of this section apply to claims submitted on or after January 1, 2002.

TITLE II—PATIENTS' BILL OF RIGHTS

Subtitle A—Right to Advice and Care

SEC. 201. PATIENT RIGHT TO MEDICAL ADVICE AND CARE.

(a) IN GENERAL.—Part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et seq.) is amended—

(1) by redesignating subpart C as subpart D; and

(2) by inserting after subpart B the following:

“Subpart C—Patient Right to Medical Advice and Care

“SEC. 721. ACCESS TO EMERGENCY MEDICAL CARE.

“(a) COVERAGE OF EMERGENCY SERVICES.—If a group health plan (other than a fully insured group health plan) provides coverage for any benefits consisting of emergency medical care, except for items or services specifically excluded from coverage, the plan shall, without regard to prior authorization or provider participation—

“(1) provide coverage for emergency medical screening examinations to the extent that a prudent layperson, who possesses an average knowledge of health and medicine, would determine such examinations to be necessary; and

“(2) provide coverage for additional emergency medical care to stabilize an emergency medical condition following an emergency medical screening examination (if determined necessary), pursuant to the definition of stabilize under section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

“(b) COVERAGE OF EMERGENCY AMBULANCE SERVICES.—If a group health plan (other than a fully insured group health plan) provides coverage for any benefits consisting of emergency ambulance services, except for items or services specifically excluded from coverage, the plan shall, without regard to prior authorization or provider participation, provide coverage for emergency ambulance services to the extent that a prudent layperson, who possesses an average knowledge of health and medicine, would determine such emergency ambulance services to be necessary.

“(c) CARE AFTER STABILIZATION.—

“(1) IN GENERAL.—In the case of medically necessary and appropriate items or services related to the emergency medical condition that may be provided to a participant or beneficiary by a nonparticipating provider after the participant or beneficiary is stabilized, the nonparticipating provider shall contact the plan as soon as practicable, but not later than 2 hours after stabilization occurs, with respect to whether—

“(A) the provision of items or services is approved;

“(B) the participant or beneficiary will be transferred; or

“(C) other arrangements will be made concerning the care and treatment of the participant or beneficiary.

“(2) FAILURE TO RESPOND AND MAKE ARRANGEMENTS.—If a group health plan fails to respond and make arrangements within 2 hours of being contacted in accordance with paragraph (1), then the plan shall be responsible for the cost of any additional items or services provided by the nonparticipating provider if—

“(A) coverage for items or services of the type furnished by the nonparticipating provider is available under the plan;

“(B) the items or services are medically necessary and appropriate and related to the emergency medical condition involved; and

“(C) the timely provision of the items or services is medically necessary and appropriate.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to apply to a group health plan that does not require prior authorization for items or services provided to a participant or beneficiary after the participant or beneficiary is stabilized.

“(d) REIMBURSEMENT TO A NON-PARTICIPATING PROVIDER.—The responsibility of a group health plan to provide reimbursement to a nonparticipating provider under this section shall cease accruing upon the earlier of—

“(1) the transfer or discharge of the participant or beneficiary; or

“(2) the completion of other arrangements made by the plan and the nonparticipating provider.

“(e) RESPONSIBILITY OF PARTICIPANT.—With respect to items or services provided by a nonparticipating provider under this section, the participant or beneficiary shall not be responsible for amounts that exceed the amounts (including co-insurance, co-payments, deductibles or any other form of cost-sharing) that would be incurred if the care was provided by a participating health care provider with prior authorization.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a group health plan from negotiating reimbursement rates with a nonparticipating provider for items or services provided under this section.

“(g) DEFINITIONS.—In this section:

“(1) EMERGENCY AMBULANCE SERVICES.—The term ‘emergency ambulance services’ means, with respect to a participant or beneficiary under a group health plan (other than a fully insured group health plan), ambulance services furnished to transport an individual who has an emergency medical condition to a treating facility for receipt of emergency medical care if—

“(A) the emergency services are covered under the group health plan (other than a fully insured group health plan) involved; and

“(B) a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of such transport to result in placing the health of the participant or beneficiary (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

“(2) EMERGENCY MEDICAL CARE.—The term ‘emergency medical care’ means, with respect to a participant or beneficiary under a group health plan (other than a fully insured group health plan), covered inpatient and outpatient items or services that—

“(A) are furnished by any provider, including a nonparticipating provider, that is qualified to furnish such items or services; and

“(B) are needed to evaluate or stabilize (as such term is defined in section 1867(e)(3) of the Social Security Act (42 U.S.C.

1395dd(e)(3)) an emergency medical condition.

“(3) EMERGENCY MEDICAL CONDITION.—The term ‘emergency medical condition’ means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the health of the participant or beneficiary (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

“SEC. 722. OFFERING OF CHOICE OF COVERAGE OPTIONS.

“(a) REQUIREMENT.—If a group health plan (other than a fully insured group health plan) provides coverage for benefits only through a defined set of participating health care professionals, the plan shall offer the participant the option to purchase point-of-service coverage (as defined in subsection (b)) for all such benefits for which coverage is otherwise so limited. Such option shall be made available to the participant at the time of enrollment under the plan and at such other times as the plan offers the participant a choice of coverage options.

“(b) POINT-OF-SERVICE COVERAGE DEFINED.—In this section, the term ‘point-of-service coverage’ means, with respect to benefits covered under a group health plan (other than a fully insured group health plan), coverage of such benefits when provided by a nonparticipating health care professional.

“(c) SMALL EMPLOYER EXEMPTION.—

“(1) IN GENERAL.—This section shall not apply to any group health plan (other than a fully insured group health plan) of a small employer.

“(2) SMALL EMPLOYER.—For purposes of paragraph (1), the term ‘small employer’ means, in connection with a group health plan (other than a fully insured group health plan) with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year. For purposes of this paragraph, the provisions of subparagraph (C) of section 712(c)(1) shall apply in determining employer size.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) as requiring coverage for benefits for a particular type of health care professional;

“(2) as requiring an employer to pay any costs as a result of this section or to make equal contributions with respect to different health coverage options;

“(3) as preventing a group health plan (other than a fully insured group health plan) from imposing higher premiums or cost-sharing on a participant for the exercise of a point-of-service coverage option; or

“(4) to require that a group health plan (other than a fully insured group health plan) include coverage of health care professionals that the plan excludes because of fraud, quality of care, or other similar reasons with respect to such professionals.

“SEC. 723. PATIENT ACCESS TO OBSTETRIC AND GYNECOLOGICAL CARE.

“(a) GENERAL RIGHTS.—

“(1) DIRECT ACCESS.—A group health plan described in subsection (b) may not require authorization or referral by the primary care provider described in subsection (b)(2) in the case of a female participant or beneficiary who seeks coverage for obstetrical or gynecological care provided by a participating physician who specializes in obstetrics or gynecology.

“(2) OBSTETRICAL AND GYNECOLOGICAL CARE.—A group health plan described in subsection (b) shall treat the provision of obstetrical and gynecological care, and the ordering of related obstetrical and gynecological items and services, pursuant to the direct access described under paragraph (1), by a participating health care professional who specializes in obstetrics or gynecology as the authorization of the primary care provider.

“(b) APPLICATION OF SECTION.—A group health plan described in this subsection is a group health plan (other than a fully insured group health plan), that—

“(1) provides coverage for obstetric or gynecologic care; and

“(2) requires the designation by a participant or beneficiary of a participating primary care provider other than a physician who specializes in obstetrics or gynecology.

“(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to require that a group health plan approve or provide coverage for—

“(A) any items or services that are not covered under the terms and conditions of the group health plan;

“(B) any items or services that are not medically necessary and appropriate; or

“(C) any items or services that are provided, ordered, or otherwise authorized under subsection (a)(2) by a physician unless such items or services are related to obstetric or gynecologic care;

“(2) to preclude a group health plan from requiring that the physician described in subsection (a) notify the designated primary care professional or case manager of treatment decisions in accordance with a process implemented by the plan, except that the group health plan shall not impose such a notification requirement on the participant or beneficiary involved in the treatment decision;

“(3) to preclude a group health plan from requiring authorization, including prior authorization, for certain items and services from the physician described in subsection (a) who specializes in obstetrics and gynecology if the designated primary care provider of the participant or beneficiary would otherwise be required to obtain authorization for such items or services;

“(4) to require that the participant or beneficiary described in subsection (a)(1) obtain authorization or a referral from a primary care provider in order to obtain obstetrical or gynecological care from a health care professional other than a physician if the provision of obstetrical or gynecological care by such professional is permitted by the group health plan and consistent with State licensure, credentialing, and scope of practice laws and regulations; or

“(5) to preclude the participant or beneficiary described in subsection (a)(1) from designating a health care professional other than a physician as a primary care provider if such designation is permitted by the group health plan and the treatment by such professional is consistent with State licensure, credentialing, and scope of practice laws and regulations.

“SEC. 724. ACCESS TO PEDIATRIC CARE.

“(a) PEDIATRIC CARE.—If a group health plan (other than a fully insured group health plan) requires or provides for a participant or beneficiary to designate a participating primary care provider for a child of such participant or beneficiary, the plan shall permit the participant or beneficiary to designate a physician who specializes in pediatrics as the child's primary care provider if such provider participates in the network of the plan.

“(b) RULES OF CONSTRUCTION.—With respect to the child of a participant or beneficiary, nothing in subsection (a) shall be construed to—

“(1) require that the participant or beneficiary obtain prior authorization or a referral from a primary care provider in order to obtain pediatric care from a health care professional other than a physician if the provision of pediatric care by such professional is permitted by the plan and consistent with State licensure, credentialing, and scope of practice laws and regulations; or

“(2) preclude the participant or beneficiary from designating a health care professional other than a physician as a primary care provider for the child if such designation is permitted by the plan and the treatment by such professional is consistent with State licensure, credentialing, and scope of practice laws.

“SEC. 725. TIMELY ACCESS TO SPECIALISTS.

“(a) TIMELY ACCESS.—

“(1) IN GENERAL.—A group health plan (other than a fully insured group health plan) shall ensure that participants and beneficiaries receive timely coverage for access to specialists who are appropriate to the medical condition of the participant or beneficiary, when such specialty care is a covered benefit under the plan.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

“(A) to require the coverage under a group health plan (other than a fully insured group health plan) of benefits or services;

“(B) to prohibit a plan from including providers in the network only to the extent necessary to meet the needs of the plan's participants and beneficiaries;

“(C) to prohibit a plan from establishing measures designed to maintain quality and control costs consistent with the responsibilities of the plan; or

“(D) to override any State licensure or scope-of-practice law.

“(3) ACCESS TO CERTAIN PROVIDERS.—

“(A) PARTICIPATING PROVIDERS.—Nothing in this section shall be construed to prohibit a group health plan (other than a fully insured group health plan) from requiring that a participant or beneficiary obtain specialty care from a participating specialist.

“(B) NONPARTICIPATING PROVIDERS.—

“(i) IN GENERAL.—With respect to specialty care under this section, if a group health plan (other than a fully insured group health plan) determines that a participating specialist is not available to provide such care to the participant or beneficiary, the plan shall provide for coverage of such care by a nonparticipating specialist.

“(ii) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a group health plan (other than a fully insured group health plan) refers a participant or beneficiary to a nonparticipating specialist pursuant to clause (i), such specialty care shall be provided at no additional cost to the participant or beneficiary beyond what the participant or beneficiary would otherwise pay for such specialty care if provided by a participating specialist.

“(b) REFERRALS.—

“(1) AUTHORIZATION.—Nothing in this section shall be construed to prohibit a group health plan (other than a fully insured group health plan) from requiring an authorization in order to obtain coverage for specialty services so long as such authorization is for an appropriate duration or number of referrals.

“(2) REFERRALS FOR ONGOING SPECIAL CONDITIONS.—

“(A) IN GENERAL.—A group health plan (other than a fully insured group health plan) shall permit a participant or beneficiary who has an ongoing special condition

(as defined in subparagraph (B)) to receive a referral to a specialist for the treatment of such condition and such specialist may authorize such referrals, procedures, tests, and other medical services with respect to such condition, or coordinate the care for such condition, subject to the terms of a treatment plan referred to in subsection (c) with respect to the condition.

“(B) ONGOING SPECIAL CONDITION DEFINED.—In this subsection, the term ‘ongoing special condition’ means a condition or disease that—

“(i) is life-threatening, degenerative, or disabling; and

“(ii) requires specialized medical care over a prolonged period of time.

“(c) TREATMENT PLANS.—

“(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a group health plan (other than a fully insured group health plan) from requiring that specialty care be provided pursuant to a treatment plan so long as the treatment plan is—

“(A) developed by the specialist, in consultation with the case manager or primary care provider, and the participant or beneficiary;

“(B) approved by the plan in a timely manner if the plan requires such approval; and

“(C) in accordance with the applicable quality assurance and utilization review standards of the plan.

“(2) NOTIFICATION.—Nothing in paragraph (1) shall be construed as prohibiting a plan from requiring the specialist to provide the plan with regular updates on the specialty care provided, as well as all other necessary medical information.

“(d) SPECIALIST DEFINED.—For purposes of this section, the term ‘specialist’ means, with respect to the medical condition of the participant or beneficiary, a health care professional, facility, or center (such as a center of excellence) that has adequate expertise (including age-appropriate expertise) through appropriate training and experience.

“(e) RIGHT TO EXTERNAL REVIEW.—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

“SEC. 726. CONTINUITY OF CARE.

“(a) TERMINATION OF PROVIDER.—If a contract between a group health plan (other than a fully insured group health plan) and a treating health care provider is terminated (as defined in paragraph (e)(4)), or benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in such plan, and an individual who is a participant or beneficiary in the plan is undergoing an active course of treatment for a serious and complex condition, institutional care, pregnancy, or terminal illness from the provider at the time the plan receives or provides notice of such termination, the plan shall—

“(1) notify the individual, or arrange to have the individual notified pursuant to subsection (d)(2), on a timely basis of such termination;

“(2) provide the individual with an opportunity to notify the plan of the individual's need for transitional care; and

“(3) subject to subsection (c), permit the individual to elect to continue to be covered with respect to the active course of treatment with the provider's consent during a transitional period (as provided for under subsection (b)).

“(b) TRANSITIONAL PERIOD.—

“(1) SERIOUS AND COMPLEX CONDITIONS.—The transitional period under this section with respect to a serious and complex condi-

tion shall extend for up to 90 days from the date of the notice described in subsection (a)(1) of the provider's termination.

“(2) INSTITUTIONAL OR INPATIENT CARE.—

“(A) IN GENERAL.—The transitional period under this section for institutional or non-elective inpatient care from a provider shall extend until the earlier of—

“(i) the expiration of the 90-day period beginning on the date on which the notice described in subsection (a)(1) of the provider's termination is provided; or

“(ii) the date of discharge of the individual from such care or the termination of the period of institutionalization.

“(B) SCHEDULED CARE.—The 90 day limitation described in subparagraph (A)(i) shall include post-surgical follow-up care relating to non-elective surgery that has been scheduled before the date of the notice of the termination of the provider under subsection (a)(1).

“(3) PREGNANCY.—If—

“(A) a participant or beneficiary has entered the second trimester of pregnancy at the time of a provider's termination of participation; and

“(B) the provider was treating the pregnancy before the date of the termination; the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

“(4) TERMINAL ILLNESS.—If—

“(A) a participant or beneficiary was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation; and

“(B) the provider was treating the terminal illness before the date of termination; the transitional period under this subsection shall extend for the remainder of the individual's life for care that is directly related to the treatment of the terminal illness.

“(c) PERMISSIBLE TERMS AND CONDITIONS.—

A group health plan (other than a fully insured group health plan) may condition coverage of continued treatment by a provider under this section upon the provider agreeing to the following terms and conditions:

“(1) The treating health care provider agrees to accept reimbursement from the plan and individual involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or at the rates applicable under the replacement plan after the date of the termination of the contract with the group health plan) and not to impose cost-sharing with respect to the individual in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in this section had not been terminated.

“(2) The treating health care provider agrees to adhere to the quality assurance standards of the plan responsible for payment under paragraph (1) and to provide to such plan necessary medical information related to the care provided.

“(3) The treating health care provider agrees otherwise to adhere to such plan's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan.

“(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider; or

“(2) with respect to the termination of a contract under subsection (a) to prevent a

group health plan from requiring that the health care provider—

“(A) notify participants or beneficiaries of their rights under this section; or

“(B) provide the plan with the name of each participant or beneficiary who the provider believes is eligible for transitional care under this section.

“(e) DEFINITIONS.—In this section:

“(1) CONTRACT.—The term ‘contract between a plan and a treating health care provider’ shall include a contract between such a plan and an organized network of providers.

“(2) HEALTH CARE PROVIDER.—The term ‘health care provider’ or ‘provider’ means—

“(A) any individual who is engaged in the delivery of health care services in a State and who is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State; and

“(B) any entity that is engaged in the delivery of health care services in a State and that, if it is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State, is so licensed.

“(3) SERIOUS AND COMPLEX CONDITION.—The term ‘serious and complex condition’ means, with respect to a participant or beneficiary under the plan, a condition that is medically determinable and—

“(A) in the case of an acute illness, is a condition serious enough to require specialized medical treatment to avoid the reasonable possibility of death or permanent harm; or

“(B) in the case of a chronic illness or condition, is an illness or condition that—

“(i) is complex and difficult to manage;

“(ii) is disabling or life-threatening; and

“(iii) requires—

“(I) frequent monitoring over a prolonged period of time and requires substantial ongoing specialized medical care; or

“(II) frequent ongoing specialized medical care across a variety of domains of care.

“(4) TERMINATED.—The term ‘terminated’ includes, with respect to a contract (as defined in paragraph (1)), the expiration or nonrenewal of the contract by the group health plan, but does not include a termination of the contract by the plan for failure to meet applicable quality standards or for fraud.

“(f) RIGHT TO EXTERNAL REVIEW.—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

“SEC. 727. PROTECTION OF PATIENT-PROVIDER COMMUNICATIONS.

“(a) IN GENERAL.—Subject to subsection (b), a group health plan (other than a fully insured group health plan and in relation to a participant or beneficiary) shall not prohibit or otherwise restrict a health care professional from advising such a participant or beneficiary who is a patient of the professional about the health status of the participant or beneficiary or medical care or treatment for the condition or disease of the participant or beneficiary, regardless of whether coverage for such care or treatment are provided under the contract, if the professional is acting within the lawful scope of practice.

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a group health plan (other than a fully insured group health plan) to provide specific benefits under the terms of such plan.

“SEC. 728. PATIENTS' RIGHT TO PRESCRIPTION DRUGS.

“(a) IN GENERAL.—To the extent that a group health plan (other than a fully insured

group health plan) provides coverage for benefits with respect to prescription drugs, and limits such coverage to drugs included in a formulary, the plan shall—

“(1) ensure the participation of physicians and pharmacists in developing and reviewing such formulary; and

“(2) in accordance with the applicable quality assurance and utilization review standards of the plan, provide for exceptions from the formulary limitation when a non-formulary alternative is medically necessary and appropriate.

“(b) RIGHT TO EXTERNAL REVIEW.—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

“SEC. 729. SELF-PAYMENT FOR BEHAVIORAL HEALTH CARE SERVICES.

“(a) IN GENERAL.—A group health plan (other than a fully insured group health plan) may not—

“(1) prohibit or otherwise discourage a participant or beneficiary from self-paying for behavioral health care services once the plan has denied coverage for such services; or

“(2) terminate a health care provider because such provider permits participants or beneficiaries to self-pay for behavioral health care services—

“(A) that are not otherwise covered under the plan; or

“(B) for which the group health plan provides limited coverage, to the extent that the group health plan denies coverage of the services.

“(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)(2)(B) shall be construed as prohibiting a group health plan from terminating a contract with a health care provider for failure to meet applicable quality standards or for fraud.

“SEC. 730. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CANCER CLINICAL TRIALS.

“(a) COVERAGE.—

“(1) IN GENERAL.—If a group health plan (other than a fully insured group health plan) provides coverage to a qualified individual (as defined in subsection (b)), the plan—

“(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

“(B) subject to subsections (b), (c), and (d) may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

“(C) may not discriminate against the individual on the basis of the participant's or beneficiaries participation in such trial.

“(2) EXCLUSION OF CERTAIN COSTS.—For purposes of paragraph (1)(B), routine patient costs do not include the cost of the tests or measurements conducted primarily for the purpose of the clinical trial involved.

“(3) USE OF IN-NETWORK PROVIDERS.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

“(b) QUALIFIED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term ‘qualified individual’ means an individual who is a participant or beneficiary in a group health plan and who meets the following conditions:

“(1)(A) The individual has been diagnosed with cancer for which no standard treatment is effective.

“(B) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of such illness.

“(C) The individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual.

“(2) Either—

“(A) the referring physician is a participating health care professional and has concluded that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

“(B) the participant or beneficiary provides medical and scientific information establishing that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1).

“(c) PAYMENT.—

“(1) IN GENERAL.—Under this section a group health plan (other than a fully insured group health plan) shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected to be paid for by the sponsors of an approved clinical trial.

“(2) STANDARDS FOR DETERMINING ROUTINE PATIENT COSTS ASSOCIATED WITH CLINICAL TRIAL PARTICIPATION.—

“(A) IN GENERAL.—The Secretary shall, in accordance with this paragraph, establish standards relating to the coverage of routine patient costs for individuals participating in clinical trials that group health plans must meet under this section.

“(B) FACTORS.—In establishing routine patient cost standards under subparagraph (A), the Secretary shall consult with interested parties and take into account —

“(i) quality of patient care;

“(ii) routine patient care costs versus costs associated with the conduct of clinical trials, including unanticipated patient care costs as a result of participation in clinical trials; and

“(iii) previous and on-going studies relating to patient care costs associated with participation in clinical trials.

“(C) APPOINTMENT AND MEETINGS OF NEGOTIATED RULEMAKING COMMITTEE.—

“(i) PUBLICATION OF NOTICE.—Not later than November 15, 2000, the Secretary shall publish notice of the establishment of a negotiated rulemaking committee, as provided for under section 564(a) of title 5, United States Code, to develop the standards described in subparagraph (A), which shall include—

“(I) the proposed scope of the committee;

“(II) the interests that may be impacted by the standards;

“(iii) a list of the proposed membership of the committee;

“(iv) the proposed meeting schedule of the committee;

“(v) a solicitation for public comment on the committee; and

“(vi) the procedures under which an individual may apply for membership on the committee.

“(ii) COMMENT PERIOD.—Notwithstanding section 564(c) of title 5, United States Code, the Secretary shall provide for a period, beginning on the date on which the notice is published under clause (i) and ending on November 30, 2000, for the submission of public comments on the committee under this subparagraph.

“(iii) APPOINTMENT OF COMMITTEE.—Not later than December 30, 2000, the Secretary shall appoint the members of the negotiated rulemaking committee under this subparagraph.

"(iv) FACILITATOR.—Not later than January 10, 2001, the negotiated rulemaking committee shall nominate a facilitator under section 566(c) of title 5, United States Code, to carry out the activities described in subsection (d) of such section.

"(v) MEETINGS.—During the period beginning on the date on which the facilitator is nominated under clause (iv) and ending on March 30, 2001, the negotiated rulemaking committee shall meet to develop the standards described in subparagraph (A).

"(D) PRELIMINARY COMMITTEE REPORT.—

"(i) IN GENERAL.—The negotiated rulemaking committee appointed under subparagraph (C) shall report to the Secretary, by not later than March 30, 2001, regarding the committee's progress on achieving a consensus with regard to the rulemaking proceedings and whether such consensus is likely to occur before the target date described in subsection (F).

"(ii) TERMINATION OF PROCESS AND PUBLICATION OF RULE BY SECRETARY.—If the committee reports under clause (i) that the committee has failed to make significant progress towards such consensus or is unlikely to reach such consensus by the target date described in subsection (F), the Secretary shall terminate such process and provide for the publication in the Federal Register, by not later than June 30, 2001, of a rule under this paragraph through such other methods as the Secretary may provide.

"(E) FINAL COMMITTEE REPORT AND PUBLICATION OR RULE BY SECRETARY.—

"(i) IN GENERAL.—If the rulemaking committee is not terminated under subparagraph (D)(ii), the committee shall submit to the Secretary, by not later than May 30, 2001, a report containing a proposed rule.

"(ii) PUBLICATION OF RULE.—If the Secretary receives a report under clause (i), the Secretary shall provide for the publication in the Federal Register, by not later than June 30, 2001, of the proposed rule.

"(F) TARGET DATE FOR PUBLICATION OF RULE.—As part of the notice under subparagraph (C)(i), and for purposes of this paragraph, the 'target date for publication' (referred to in section 564(a)(5) of title 5, United States Code) shall be June 30, 2001.

"(G) EFFECTIVE DATE.—The provisions of this paragraph shall apply to group health plans (other than a fully insured group health plan) for plan years beginning on or after January 1, 2002.

"(3) PAYMENT RATE.—In the case of covered items and services provided by—

"(A) a participating provider, the payment rate shall be at the agreed upon rate, or

"(B) a nonparticipating provider, the payment rate shall be at the rate the plan would normally pay for comparable services under subparagraph (A).

"(d) APPROVED CLINICAL TRIAL DEFINED.—

"(i) IN GENERAL.—In this section, the term 'approved clinical trial' means a cancer clinical research study or cancer clinical investigation approved or funded (which may include funding through in-kind contributions) by one or more of the following:

"(A) The National Institutes of Health.

"(B) A cooperative group or center of the National Institutes of Health.

"(C) The Food and Drug Administration.

"(D) Either of the following if the conditions described in paragraph (2) are met:

"(i) The Department of Veterans Affairs.

"(ii) The Department of Defense.

"(2) CONDITIONS FOR DEPARTMENTS.—The conditions described in this paragraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

"(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

"(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to limit a plan's coverage with respect to clinical trials.

"(f) PLAN SATISFACTION OF CERTAIN REQUIREMENTS; RESPONSIBILITIES OF FIDUCIARIES.—

"(1) IN GENERAL.—For purposes of this section, insofar as a group health plan provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the requirements of this section with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer.

"(2) CONSTRUCTION.—Nothing in this section shall be construed to affect or modify the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

"(g) STUDY AND REPORT.—

"(1) STUDY.—The Secretary shall study the impact on group health plans for covering routine patient care costs for individuals who are entitled to benefits under this section and who are enrolled in an approved cancer clinical trial program.

"(2) REPORT TO CONGRESS.—Not later than January 1, 2005, the Secretary shall submit a report to Congress that contains an assessment of—

"(A) any incremental cost to group health plans resulting from the provisions of this section;

"(B) a projection of expenditures to such plans resulting from this section; and

"(C) any impact on premiums resulting from this section.

"(h) RIGHT TO EXTERNAL REVIEW.—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

"SEC. 730A. PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS BASED ON LICENSURE.

"(a) IN GENERAL.—A group health plan (other than a fully insured group health plan) shall not discriminate with respect to participation or indemnification as to any provider who is acting within the scope of the provider's license or certification under applicable State law, solely on the basis of such license or certification.

"(b) CONSTRUCTION.—Subsection (a) shall not be construed—

"(1) as requiring the coverage under a group health plan of a particular benefit or service or to prohibit a plan from including providers only to the extent necessary to meet the needs of the plan's participants or beneficiaries or from establishing any measure designed to maintain quality and control costs consistent with the responsibilities of the plan;

"(2) to override any State licensure or scope-of-practice law; or

"(3) as requiring a plan that offers network coverage to include for participation every willing provider who meets the terms and conditions of the plan.

"SEC. 730B. GENERALLY APPLICABLE PROVISION.

"In the case of a group health plan that provides benefits under 2 or more coverage options, the requirements of this subpart shall apply separately with respect to each coverage option."

(b) RULE WITH RESPECT TO CERTAIN PLANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, health insurance issuers may offer, and eligible individuals may purchase, high deductible health plans described in section 220(c)(2)(A) of the Internal Revenue Code of 1986. Effective for the 5-year period beginning on the date of the enactment of this Act, such health plans shall not be required to provide payment for any health care items or services that are exempt from the plan's deductible.

(2) EXISTING STATE LAWS.—A State law relating to payment for health care items and services in effect on the date of enactment of this Act that is preempted under paragraph (1), shall not apply to high deductible health plans after the expiration of the 5-year period described in such paragraph unless the State reenacts such law after such period.

(c) DEFINITION.—Section 733(a) of the Employee Retirement Income Security Act of 1974 (42 U.S.C. 1191(a)) is amended by adding at the end the following:

"(3) FULLY INSURED GROUP HEALTH PLAN.—The term 'fully insured group health plan' means a group health plan where benefits under the plan are provided pursuant to the terms of an arrangement between a group health plan and a health insurance issuer and are guaranteed by the health insurance issuer under a contract or policy of insurance."

(d) CONFORMING AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended—

(1) in the item relating to subpart C of part 7 of subtitle B of title I, by striking "Subpart C" and inserting "Subpart D"; and

(2) by adding at the end of the items relating to subpart B of part 7 of subtitle B of title I, the following:

"SUBPART C—PATIENT RIGHT TO MEDICAL ADVICE AND CARE

"Sec. 721. Access to emergency medical care.

"Sec. 722. Offering of choice of coverage options.

"Sec. 723. Patient access to obstetric and gynecological care.

"Sec. 724. Access to pediatric care.

"Sec. 725. Timely access to specialists.

"Sec. 726. Continuity of care.

"Sec. 727. Protection of patient-provider communications.

"Sec. 728. Patient's right to prescription drugs.

"Sec. 729. Self-payment for behavioral health care services.

"Sec. 730. Coverage for individuals participating in approved cancer clinical trials.

"Sec. 730A. Prohibition of discrimination against providers based on licensure.

"Sec. 730C. Generally applicable provision."

SEC. 202. CONFORMING AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.

Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Standard relating to patient's bill of rights."

and

(2) by inserting after section 9812 the following:

"SEC. 9813. STANDARD RELATING TO PATIENTS' BILL OF RIGHTS.

"A group health plan (other than a fully insured group health plan) shall comply with the requirements of subpart C of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as added

by section 201 of the Patients' Bill of Rights Plus Act, and such requirements shall be deemed to be incorporated into this section."

SEC. 203. EFFECTIVE DATE AND RELATED RULES.

(a) **IN GENERAL.**—The amendments made by this subtitle shall apply with respect to plan years beginning on or after January 1 of the second calendar year following the date of the enactment of this Act. The Secretary shall issue all regulations necessary to carry out the amendments made by this section before the effective date thereof.

(b) **LIMITATION ON ENFORCEMENT ACTIONS.**—No enforcement action shall be taken, pursuant to the amendments made by this subtitle, against a group health plan with respect to a violation of a requirement imposed by such amendments before the date of issuance of regulations issued in connection with such requirement, if the plan has sought to comply in good faith with such requirement.

Subtitle B—Right to Information About Plans and Providers

SEC. 211. INFORMATION ABOUT PLANS.

(a) **EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. HEALTH PLAN INFORMATION.

"(a) REQUIREMENT—

"(1) DISCLOSURE.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer that provides coverage in connection with group health insurance coverage, shall provide for the disclosure of the information described in subsection (b) to participants and beneficiaries—

"(i) at the time of the initial enrollment of the participant or beneficiary under the plan or coverage;

"(ii) on an annual basis after enrollment—

"(I) in conjunction with the election period of the plan or coverage if the plan or coverage has such an election period; or

"(II) in the case of a plan or coverage that does not have an election period, in conjunction with the beginning of the plan or coverage year; and

"(iii) in the case of any material reduction to the benefits or information described in paragraphs (1), (2) and (3) of subsection (b), in the form of a summary notice provided not later than the date on which the reduction takes effect.

"(B) PARTICIPANTS AND BENEFICIARIES.—The disclosure required under subparagraph (A) shall be provided—

"(i) jointly to each participant and beneficiary who reside at the same address; or

"(ii) in the case of a beneficiary who does not reside at the same address as the participant, separately to the participant and such beneficiary.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a group health plan sponsor and health insurance issuer from entering into an agreement under which either the plan sponsor or the issuer agrees to assume responsibility for compliance with the requirements of this section, in whole or in part, and the party delegating such responsibility is released from liability for compliance with the requirements that are assumed by the other party, to the extent the party delegating such responsibility did not cause such non-compliance.

"(3) PROVISION OF INFORMATION.—Information shall be provided to participants and beneficiaries under this section at the last known address maintained by the plan or issuer with respect to such participants or

beneficiaries, to the extent that such information is provided to participants or beneficiaries via the United States Postal Service or other private delivery service.

"(b) REQUIRED INFORMATION.—The informational materials to be distributed under this section shall include for each option available under the group health plan or health insurance coverage the following:

"(1) BENEFITS.—A description of the covered benefits, including—

"(A) any in- and out-of-network benefits;

"(B) specific preventative services covered under the plan or coverage if such services are covered;

"(C) any benefit limitations, including any annual or lifetime benefit limits and any monetary limits or limits on the number of visits, days, or services, and any specific coverage exclusions; and

"(D) any definition of medical necessity used in making coverage determinations by the plan, issuer, or claims administrator.

"(2) COST SHARING.—A description of any cost-sharing requirements, including—

"(A) any premiums, deductibles, coinsurance, copayment amounts, and liability for balance billing above any reasonable and customary charges, for which the participant or beneficiary will be responsible under each option available under the plan;

"(B) any maximum out-of-pocket expense for which the participant or beneficiary may be liable;

"(C) any cost-sharing requirements for out-of-network benefits or services received from nonparticipating providers; and

"(D) any additional cost-sharing or charges for benefits and services that are furnished without meeting applicable plan or coverage requirements, such as prior authorization or recertification.

"(3) SERVICE AREA.—A description of the plan or issuer's service area, including the provision of any out-of-area coverage.

"(4) PARTICIPATING PROVIDERS.—A directory of participating providers (to the extent a plan or issuer provides coverage through a network of providers) that includes, at a minimum, the name, address, and telephone number of each participating provider, and information about how to inquire whether a participating provider is currently accepting new patients.

"(5) CHOICE OF PRIMARY CARE PROVIDER.—A description of any requirements and procedures to be used by participants and beneficiaries in selecting, accessing, or changing their primary care provider, including providers both within and outside of the network (if the plan or issuer permits out-of-network services), and the right to select a pediatrician as a primary care provider under section 724 for a participant or beneficiary who is a child if such section applies.

"(6) PREAUTHORIZATION REQUIREMENTS.—A description of the requirements and procedures to be used to obtain preauthorization for health services, if such preauthorization is required.

"(7) EXPERIMENTAL AND INVESTIGATIONAL TREATMENTS.—A description of the process for determining whether a particular item, service, or treatment is considered experimental or investigational, and the circumstances under which such treatments are covered by the plan or issuer.

"(8) SPECIALTY CARE.—A description of the requirements and procedures to be used by participants and beneficiaries in accessing specialty care and obtaining referrals to participating and nonparticipating specialists, including the right to timely coverage for access to specialists care under section 725 if such section applies.

"(9) CLINICAL TRIALS.—A description the circumstances and conditions under which participation in clinical trials is covered

under the terms and conditions of the plan or coverage, and the right to obtain coverage for approved cancer clinical trials under section 729 if such section applies.

"(10) PRESCRIPTION DRUGS.—To the extent the plan or issuer provides coverage for prescription drugs, a statement of whether such coverage is limited to drugs included in a formulary, a description of any provisions and cost-sharing required for obtaining on- and off-formulary medications, and a description of the rights of participants and beneficiaries in obtaining access to access to prescription drugs under section 727 if such section applies.

"(11) EMERGENCY SERVICES.—A summary of the rules and procedures for accessing emergency services, including the right of a participant or beneficiary to obtain emergency services under the prudent layperson standard under section 721, if such section applies, and any educational information that the plan or issuer may provide regarding the appropriate use of emergency services.

"(12) CLAIMS AND APPEALS.—A description of the plan or issuer's rules and procedures pertaining to claims and appeals, a description of the rights of participants and beneficiaries under sections 503, 503A and 503B in obtaining covered benefits, filing a claim for benefits, and appealing coverage decisions internally and externally (including telephone numbers and mailing addresses of the appropriate authority), and a description of any additional legal rights and remedies available under section 502.

"(13) ADVANCE DIRECTIVES AND ORGAN DONATION.—A description of procedures for advance directives and organ donation decisions if the plan or issuer maintains such procedures.

"(14) INFORMATION ON PLANS AND ISSUERS.—The name, mailing address, and telephone number or numbers of the plan administrator and the issuer to be used by participants and beneficiaries seeking information about plan or coverage benefits and services, payment of a claim, or authorization for services and treatment. The name of the designated decision-maker (or decision-makers) appointed under section 502(n)(2) for purposes of making final determinations under section 503A and approving coverage pursuant to the written determination of an independent medical reviewer under section 503B. Notice of whether the benefits under the plan are provided under a contract or policy of insurance issued by an issuer, or whether benefits are provided directly by the plan sponsor who bears the insurance risk.

"(15) TRANSLATION SERVICES.—A summary description of any translation or interpretation services (including the availability of printed information in languages other than English, audio tapes, or information in Braille) that are available for non-English speakers and participants and beneficiaries with communication disabilities and a description of how to access these items or services.

"(16) ACCREDITATION INFORMATION.—Any information that is made public by accrediting organizations in the process of accreditation if the plan or issuer is accredited, or any additional quality indicators (such as the results of enrollee satisfaction surveys) that the plan or issuer makes public or makes available to participants and beneficiaries.

"(17) NOTICE OF REQUIREMENTS.—A description of any rights of participants and beneficiaries that are established by the Patients' Bill of Rights Plus Act (excluding those described in paragraphs (1) through (16)) if such sections apply. The description required under this paragraph may be combined with the notices required under sections 711(d), 713(b), or 606(a)(1), and with any

other notice provision that the Secretary determines may be combined.

"(18) AVAILABILITY OF ADDITIONAL INFORMATION.—A statement that the information described in subsection (c), and instructions on obtaining such information (including telephone numbers and, if available, Internet websites), shall be made available upon request.

"(c) ADDITIONAL INFORMATION.—The informational materials to be provided upon the request of a participant or beneficiary shall include for each option available under a group health plan or health insurance coverage the following:

"(1) STATUS OF PROVIDERS.—The State licensure status of the plan or issuer's participating health care professionals and participating health care facilities, and, if available, the education, training, specialty qualifications or certifications of such professionals.

"(2) COMPENSATION METHODS.—A summary description of the methods (such as capitation, fee-for-service, salary, bundled payments, per diem, or a combination thereof) used for compensating participating health care professionals (including primary care providers and specialists) and facilities in connection with the provision of health care under the plan or coverage. The requirement of this paragraph shall not be construed as requiring plans or issuers to provide information concerning proprietary payment methodology.

"(3) PRESCRIPTION DRUGS.—Information about whether a specific prescription medication is included in the formulary of the plan or issuer, if the plan or issuer uses a defined formulary.

"(4) EXTERNAL APPEALS INFORMATION.—Aggregate information on the number and outcomes of external medical reviews, relative to the sample size (such as the number of covered lives) determined for the plan or issuer's book of business.

"(d) MANNER OF DISCLOSURE.—The information described in this section shall be disclosed in an accessible medium and format that is calculated to be understood by the average participant.

"(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a group health plan, or a health insurance issuer in connection with group health insurance coverage, from—

"(1) distributing any other additional information determined by the plan or issuer to be important or necessary in assisting participants and beneficiaries in the selection of a health plan; and

"(2) complying with the provisions of this section by providing information in brochures, through the Internet or other electronic media, or through other similar means, so long as participants and beneficiaries are provided with an opportunity to request that informational materials be provided in printed form.

"(f) CONFORMING REGULATIONS.—The Secretary shall issue regulations to coordinate the requirements on group health plans and health insurance issuers under this section with the requirements imposed under part 1, to reduce duplication with respect to any information that is required to be provided under any such requirements.

"(g) SECRETARIAL ENFORCEMENT AUTHORITY.—

"(1) IN GENERAL.—The Secretary may assess a civil monetary penalty against the administrator of a plan or issuer in connection with the failure of the plan or issuer to comply with the requirements of this section.

"(2) AMOUNT OF PENALTY.—

"(A) IN GENERAL.—The amount of the penalty to be imposed under paragraph (1) shall not exceed \$100 for each day for each partici-

pant and beneficiary with respect to which the failure to comply with the requirements of this section occurs.

"(B) INCREASE IN AMOUNT.—The amount referred to in subparagraph (A) shall be increased or decreased, for each calendar year that ends after December 31, 2000, by the same percentage as the percentage by which the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the such Index for September of 2000.

"(3) FAILURE DEFINED.—For purposes of this subsection, a plan or issuer shall have failed to comply with the requirements of this section with respect to a participant or beneficiary if the plan or issuer failed or refused to comply with the requirements of this section within 30 days—

"(A) of the date described in subsection (a)(1)(A)(i);

"(B) of the date described in subsection (a)(1)(A)(ii); or

"(C) of the date on which additional information was requested under subsection (c)."

(b) CONFORMING AMENDMENTS.—

(1) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(2) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713, the following:

"Sec 714. Health plan comparative information."

(3) Section 502(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(b)(3)) is amended by striking "733(a)(1)" and inserting "733(a)(1)", except with respect to the requirements of section 714".

SEC. 212. INFORMATION ABOUT PROVIDERS.

(a) STUDY.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study, and the submission to the Secretary of a report, that includes—

(1) an analysis of information concerning health care professionals that is currently available to patients, consumers, States, and professional societies, nationally and on a State-by-State basis, including patient preferences with respect to information about such professionals and their competencies;

(2) an evaluation of the legal and other barriers to the sharing of information concerning health care professionals; and

(3) recommendations for the disclosure of information on health care professionals, including the competencies and professional qualifications of such practitioners, to better facilitate patient choice, quality improvement, and market competition.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall forward to the appropriate committees of Congress a copy of the report and study conducted under subsection (a).

Subtitle C—Right to Hold Health Plans Accountable

SEC. 221. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 503 (29 U.S.C. 1133) the following:

"SEC. 503A. CLAIMS AND INTERNAL APPEALS PROCEDURES FOR GROUP HEALTH PLANS.

"(a) INITIAL CLAIM FOR BENEFITS UNDER GROUP HEALTH PLANS.—

"(1) PROCEDURES.—

"(A) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall ensure that procedures are in place for—

"(i) making a determination on an initial claim for benefits by a participant or beneficiary (or authorized representative) regarding payment or coverage for items or services under the terms and conditions of the plan or coverage involved, including any cost-sharing amount that the participant or beneficiary is required to pay with respect to such claim for benefits; and

"(ii) notifying a participant or beneficiary (or authorized representative) and the treating health care professional involved regarding a determination on an initial claim for benefits made under the terms and conditions of the plan or coverage, including any cost-sharing amounts that the participant or beneficiary may be required to make with respect to such claim for benefits, and of the right of the participant or beneficiary to an internal appeal under subsection (b).

"(B) ACCESS TO INFORMATION.—With respect to an initial claim for benefits, the participant or beneficiary (or authorized representative) and the treating health care professional (if any) shall provide the plan or issuer with access to information necessary to make a determination relating to the claim, not later than 5 business days after the date on which the claim is filed or to meet the applicable timelines under clauses (ii) and (iii) of paragraph (2)(A).

"(C) ORAL REQUESTS.—In the case of a claim for benefits involving an expedited or concurrent determination, a participant or beneficiary (or authorized representative) may make an initial claim for benefits orally, but a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, may require that the participant or beneficiary (or authorized representative) provide written confirmation of such request in a timely manner.

"(2) TIMELINE FOR MAKING DETERMINATIONS.—

"(A) PRIOR AUTHORIZATION DETERMINATION.—

"(i) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a prior authorization determination on a claim for benefits is made within 14 business days from the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the request for prior authorization, but in no case shall such determination be made later than 28 business days after the receipt of the claim for benefits.

"(ii) EXPEDITED DETERMINATION.—Notwithstanding clause (i), a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures for expediting a prior authorization determination on a claim for benefits described in such clause when a request for such an expedited determination is made by a participant or beneficiary (or authorized representative) at any time during the process for making a determination and the treating health care professional substantiates, with the request, that a determination under the procedures described in clause (i) would seriously jeopardize the life or health of the participant or

beneficiary. Such determination shall be made within 72 hours after a request is received by the plan or issuer under this clause.

“(iii) CONCURRENT DETERMINATIONS.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a concurrent determination on a claim for benefits that results in a discontinuation of inpatient care is made within 24 hours after the receipt of the claim for benefits.

“(B) RETROSPECTIVE DETERMINATION.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a retrospective determination on a claim for benefits is made within 30 business days of the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the claim, but in no case shall such determination be made later than 60 business days after the receipt of the claim for benefits.

“(3) NOTICE OF A DENIAL OF A CLAIM FOR BENEFITS.—Written notice of a denial made under an initial claim for benefits shall be issued to the participant or beneficiary (or authorized representative) and the treating health care professional not later than 2 business days after the determination (or within the 72-hour or 24-hour period referred to in clauses (ii) and (iii) of paragraph (2)(A) if applicable).

“(4) REQUIREMENTS OF NOTICE OF DETERMINATIONS.—The written notice of a denial of a claim for benefits determination under paragraph (3) shall include—

“(A) the reasons for the determination (including a summary of the clinical or scientific-evidence based rationale used in making the determination and instruction on obtaining a more complete description written in a manner calculated to be understood by the average participant);

“(B) the procedures for obtaining additional information concerning the determination; and

“(C) notification of the right to appeal the determination and instructions on how to initiate an appeal in accordance with subsection (b).

“(b) INTERNAL APPEAL OF A DENIAL OF A CLAIM FOR BENEFITS.—

“(1) RIGHT TO INTERNAL APPEAL.—

“(A) IN GENERAL.—A participant or beneficiary (or authorized representative) may appeal any denial of a claim for benefits under subsection (a) under the procedures described in this subsection.

“(B) TIME FOR APPEAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall ensure that a participant or beneficiary (or authorized representative) has a period of not less than 60 days beginning on the date of a denial of a claim for benefits under subsection (a) in which to appeal such denial under this subsection.

“(C) FAILURE TO ACT.—The failure of a plan or issuer to issue a determination on a claim for benefits under subsection (a) within the applicable timeline established for such a determination under such subsection shall be treated as a denial of a claim for benefits for purposes of proceeding to internal review under this subsection.

“(D) PLAN WAIVER OF INTERNAL REVIEW.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, may waive the internal review process under this subsection and permit a participant or beneficiary (or authorized representative) to pro-

ceed directly to external review under section 503B.

“(2) TIMELINES FOR MAKING DETERMINATIONS.—

“(A) ORAL REQUESTS.—In the case of an appeal of a denial of a claim for benefits under this subsection that involves an expedited or concurrent determination, a participant or beneficiary (or authorized representative) may request such appeal orally, but a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, may require that the participant or beneficiary (or authorized representative) provide written confirmation of such request in a timely manner.

“(B) ACCESS TO INFORMATION.—With respect to an appeal of a denial of a claim for benefits, the participant or beneficiary (or authorized representative) and the treating health care professional (if any) shall provide the plan or issuer with access to information necessary to make a determination relating to the appeal, not later than 5 business days after the date on which the request for the appeal is filed or to meet the applicable timelines under clauses (ii) and (iii) of subparagraph (C).

“(C) PRIOR AUTHORIZATION DETERMINATIONS.—

“(i) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a determination on an appeal of a denial of a claim for benefits under this subsection is made within 14 business days after the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the appeal, but in no case shall such determination be made later than 28 business days after the receipt of the request for the appeal.

“(ii) EXPEDITED DETERMINATION.—Notwithstanding clause (i), a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures for expediting a prior authorization determination on an appeal of a denial of a claim for benefits described in clause (i), when a request for such an expedited determination is made by a participant or beneficiary (or authorized representative) at any time during the process for making a determination and the treating health care professional substantiates, with the request, that a determination under the procedures described in clause (i) would seriously jeopardize the life or health of the participant or beneficiary. Such determination shall be made not later than 72 hours after the request for such appeal is received by the plan or issuer under this clause.

“(iii) CONCURRENT DETERMINATIONS.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a concurrent determination on an appeal of a denial of a claim for benefits that results in a discontinuation of inpatient care is made within 24 hours after the receipt of the request for appeal.

“(B) RETROSPECTIVE DETERMINATION.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a retrospective determination on an appeal of a claim for benefits is made within 30 business days of the date on which the plan or issuer receives necessary information that is reasonably required by the plan or issuer to make a determination on the appeal, but in no case shall such determination be made later than

60 business days after the receipt of the request for the appeal.

“(3) CONDUCT OF REVIEW.—

“(A) IN GENERAL.—A review of a denial of a claim for benefits under this subsection shall be conducted by an individual with appropriate expertise who was not directly involved in the initial determination.

“(B) REVIEW OF MEDICAL DECISIONS BY PHYSICIANS.—A review of an appeal of a denial of a claim for benefits that is based on a lack of medical necessity and appropriateness, or based on an experimental or investigational treatment, or requires an evaluation of medical facts, shall be made by a physician with appropriate expertise, including age-appropriate expertise, who was not involved in the initial determination.

“(4) NOTICE OF DETERMINATION.—

“(A) IN GENERAL.—Written notice of a determination made under an internal appeal of a denial of a claim for benefits shall be issued to the participant or beneficiary (or authorized representative) and the treating health care professional not later than 2 business days after the completion of the review (or within the 72-hour or 24-hour period referred to in paragraph (2) if applicable).

“(B) FINAL DETERMINATION.—The decision by a plan or issuer under this subsection shall be treated as the final determination of the plan or issuer on a denial of a claim for benefits. The failure of a plan or issuer to issue a determination on an appeal of a denial of a claim for benefits under this subsection within the applicable timeline established for such a determination shall be treated as a final determination on an appeal of a denial of a claim for benefits for purposes of proceeding to external review under section 503B.

“(C) REQUIREMENTS OF NOTICE.—With respect to a determination made under this subsection, the notice described in subparagraph (A) shall include—

“(i) the reasons for the determination (including a summary of the clinical or scientific-evidence based rationale used in making the determination and instruction on obtaining a more complete description written in a manner calculated to be understood by the average participant);

“(ii) the procedures for obtaining additional information concerning the determination; and

“(iii) notification of the right to an independent external review under section 503B and instructions on how to initiate such a review.

“(c) DEFINITIONS.—The definitions contained in section 503B(i) shall apply for purposes of this section.

“SEC. 503B. INDEPENDENT EXTERNAL APPEALS PROCEDURES FOR GROUP HEALTH PLANS.

“(a) RIGHT TO EXTERNAL APPEAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide in accordance with this section participants and beneficiaries (or authorized representatives) with access to an independent external review for any denial of a claim for benefits.

“(b) INITIATION OF THE INDEPENDENT EXTERNAL REVIEW PROCESS.—

“(1) TIME TO FILE.—A request for an independent external review under this section shall be filed with the plan or issuer not later than 60 business days after the date on which the participant or beneficiary receives notice of the denial under section 503A(b)(4) or the date on which the internal review is waived by the plan or issuer under section 503A(b)(1)(D).

“(2) FILING OF REQUEST.—

“(A) IN GENERAL.—Subject to the succeeding provisions of this subsection, a group

health plan, and a health insurance issuer of health insurance coverage in connection with a group health plan, may—

“(i) except as provided in subparagraph (B)(i), require that a request for review be in writing;

“(ii) limit the filing of such a request to the participant or beneficiary involved (or an authorized representative);

“(iii) except if waived by the plan or issuer under section 503A(b)(1)(D), condition access to an independent external review under this section upon a final determination of a denial of a claim for benefits under the internal review procedure under section 503A;

“(iv) except as provided in subparagraph (B)(ii), require payment of a filing fee to the plan or issuer of a sum that does not exceed \$50; and

“(v) require that a request for review include the consent of the participant or beneficiary (or authorized representative) for the release of medical information or records of the participant or beneficiary to the qualified external review entity for purposes of conducting external review activities.

“(B) REQUIREMENTS AND EXCEPTION RELATING TO GENERAL RULE.—

“(i) ORAL REQUESTS PERMITTED IN EXPEDITED OR CONCURRENT CASES.—In the case of an expedited or concurrent external review as provided for under subsection (e), the request may be made orally. In such case a written confirmation of such request shall be made in a timely manner. Such written confirmation shall be treated as a consent for purposes of subparagraph (A)(v).

“(ii) EXCEPTION TO FILING FEE REQUIREMENT.—

“(I) INDIGENCY.—Payment of a filing fee shall not be required under subparagraph (A)(iv) where there is a certification (in a form and manner specified in guidelines established by the Secretary) that the participant or beneficiary is indigent (as defined in such guidelines). In establishing guidelines under this subclause, the Secretary shall ensure that the guidelines relating to indigency are consistent with the poverty guidelines used by the Secretary of Health and Human Services under title XIX of the Social Security Act.

“(II) FEE NOT REQUIRED.—Payment of a filing fee shall not be required under subparagraph (A)(iv) if the plan or issuer waives the internal appeals process under section 503A(b)(1)(D).

“(III) REFUNDING OF FEE.—The filing fee paid under subparagraph (A)(iv) shall be refunded if the determination under the independent external review is to reverse the denial which is the subject of the review.

“(IV) INCREASE IN AMOUNT.—The amount referred to in subclause (I) shall be increased or decreased, for each calendar year that ends after December 31, 2001, by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the such Index for September of 2001.

“(C) REFERRAL TO QUALIFIED EXTERNAL REVIEW ENTITY UPON REQUEST.—

“(1) IN GENERAL.—Upon the filing of a request for independent external review with the group health plan, or health insurance issuer offering coverage in connection with a group health plan, the plan or issuer shall refer such request to a qualified external review entity selected in accordance with this section.

“(2) ACCESS TO PLAN OR ISSUER AND HEALTH PROFESSIONAL INFORMATION.—With respect to an independent external review conducted under this section, the participant or beneficiary (or authorized representative), the

plan or issuer, and the treating health care professional (if any) shall provide the external review entity with access to information that is necessary to conduct a review under this section, as determined by the entity, not later than 5 business days after the date on which a request is referred to the qualified external review entity under paragraph (1), or earlier as determined appropriate by the entity to meet the applicable timelines under clauses (ii) and (iii) of subsection (e)(1)(A).

“(3) SCREENING OF REQUESTS BY QUALIFIED EXTERNAL REVIEW ENTITIES.—

“(A) IN GENERAL.—With respect to a request referred to a qualified external review entity under paragraph (1) relating to a denial of a claim for benefits, the entity shall refer such request for the conduct of an independent medical review unless the entity determines that—

“(i) any of the conditions described in subsection (b)(2)(A) have not been met;

“(ii) the thresholds described in subparagraph (B) have not been met;

“(iii) the denial of the claim for benefits does not involve a medically reviewable decision under subsection (d)(2);

“(iv) the denial of the claim for benefits relates to a decision regarding whether an individual is a participant or beneficiary who is enrolled under the terms of the plan or coverage (including the applicability of any waiting period under the plan or coverage); or

“(v) the denial of the claim for benefits is a decision as to the application of cost-sharing requirements or the application of a specific exclusion or express limitation on the amount, duration, or scope of coverage of items or services under the terms and conditions of the plan or coverage unless the decision is a denial described in subsection (d)(2)(C);

Upon making a determination that any of clauses (i) through (v) applies with respect to the request, the entity shall determine that the denial of a claim for benefits involved is not eligible for independent medical review under subsection (d), and shall provide notice in accordance with subparagraph (D).

“(B) THRESHOLDS.—

“(i) IN GENERAL.—The thresholds described in this subparagraph are that—

“(I) the total amount payable under the plan or coverage for the item or service that was the subject of such denial exceeds a significant financial threshold (as determined under guidelines established by the Secretary); or

“(II) a physician has asserted in writing that there is a significant risk of placing the life, health, or development of the participant or beneficiary in jeopardy if the denial of the claim for benefits is sustained.

“(ii) THRESHOLDS NOT APPLIED.—The thresholds described in this subparagraph shall not apply if the plan or issuer involved waives the internal appeals process with respect to the denial of a claim for benefits involved under section 503A(b)(1)(D).

“(C) PROCESS FOR MAKING DETERMINATIONS.—

“(i) NO DEFERENCE TO PRIOR DETERMINATIONS.—In making determinations under subparagraph (A), there shall be no deference given to determinations made by the plan or issuer under section 503A or the recommendation of a treating health care professional (if any).

“(ii) USE OF APPROPRIATE PERSONNEL.—A qualified external review entity shall use appropriately qualified personnel to make determinations under this section.

“(D) NOTICES AND GENERAL TIMELINES FOR DETERMINATION.—

“(i) NOTICE IN CASE OF DENIAL OF REFERRAL.—If the entity under this paragraph does

not make a referral to an independent medical reviewer, the entity shall provide notice to the plan or issuer, the participant or beneficiary (or authorized representative) filing the request, and the treating health care professional (if any) that the denial is not subject to independent medical review. Such notice—

“(I) shall be written (and, in addition, may be provided orally) in a manner calculated to be understood by an average participant;

“(II) shall include the reasons for the determination; and

“(III) include any relevant terms and conditions of the plan or coverage.

“(ii) GENERAL TIMELINE FOR DETERMINATIONS.—Upon receipt of information under paragraph (2), the qualified external review entity, and if required the independent medical reviewer, shall make a determination within the overall timeline that is applicable to the case under review as described in subsection (e), except that if the entity determines that a referral to an independent medical reviewer is not required, the entity shall provide notice of such determination to the participant or beneficiary (or authorized representative) within 2 business days of such determination.

“(d) INDEPENDENT MEDICAL REVIEW.—

“(1) IN GENERAL.—If a qualified external review entity determines under subsection (c) that a denial of a claim for benefits is eligible for independent medical review, the entity shall refer the denial involved to an independent medical reviewer for the conduct of an independent medical review under this subsection.

“(2) MEDICALLY REVIEWABLE DECISIONS.—A denial described in this paragraph is one for which the item or service that is the subject of the denial would be a covered benefit under the terms and conditions of the plan or coverage but for one (or more) of the following determinations:

“(A) DENIALS BASED ON MEDICAL NECESSITY AND APPROPRIATENESS.—The basis of the determination is that the item or service is not medically necessary and appropriate.

“(B) DENIALS BASED ON EXPERIMENTAL OR INVESTIGATIONAL TREATMENT.—The basis of the determination is that the item or service is experimental or investigational.

“(C) DENIALS OTHERWISE BASED ON AN EVALUATION OF MEDICAL FACTS.—A determination that the item or service or condition is not covered but an evaluation of the medical facts by a health care professional in the specific case involved is necessary to determine whether the item or service or condition is required to be provided under the terms and conditions of the plan or coverage.

“(3) INDEPENDENT MEDICAL REVIEW DETERMINATION.—

“(A) IN GENERAL.—An independent medical reviewer under this section shall make a new independent determination with respect to—

“(i) whether the item or service or condition that is the subject of the denial is covered under the terms and conditions of the plan or coverage; and

“(ii) based upon an affirmative determination under clause (i), whether or not the denial of a claim for a benefit that is the subject of the review should be upheld or reversed.

“(B) STANDARD FOR DETERMINATION.—The independent medical reviewer's determination relating to the medical necessity and appropriateness, or the experimental or investigation nature, or the evaluation of the medical facts of the item, service, or condition shall be based on the medical condition of the participant or beneficiary (including the medical records of the participant or beneficiary) and the valid, relevant scientific evidence and clinical evidence, including

peer-reviewed medical literature or findings and including expert consensus.

“(C) NO COVERAGE FOR EXCLUDED BENEFITS.—Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, provide coverage for items or services that are specifically excluded or expressly limited under the plan or coverage and that are not covered regardless of any determination relating to medical necessity and appropriateness, experimental or investigational nature of the treatment, or an evaluation of the medical facts in the case involved.

“(D) EVIDENCE AND INFORMATION TO BE USED IN MEDICAL REVIEWS.—In making a determination under this subsection, the independent medical reviewer shall also consider appropriate and available evidence and information, including the following:

“(i) The determination made by the plan or issuer with respect to the claim upon internal review and the evidence or guidelines used by the plan or issuer in reaching such determination.

“(ii) The recommendation of the treating health care professional and the evidence, guidelines, and rationale used by the treating health care professional in reaching such recommendation.

“(iii) Additional evidence or information obtained by the reviewer or submitted by the plan, issuer, participant or beneficiary (or an authorized representative), or treating health care professional.

“(iv) The plan or coverage document.

“(E) INDEPENDENT DETERMINATION.—In making the determination, the independent medical reviewer shall—

“(i) consider the claim under review without deference to the determinations made by the plan or issuer under section 503A or the recommendation of the treating health care professional (if any);

“(ii) consider, but not be bound by the definition used by the plan or issuer of ‘medically necessary and appropriate’, or ‘experimental or investigational’, or other equivalent terms that are used by the plan or issuer to describe medical necessity and appropriateness or experimental or investigational nature of the treatment; and

“(iii) notwithstanding clause (ii), adhere to the definition used by the plan or issuer of ‘medically necessary and appropriate’, or ‘experimental or investigational’ if such definition is the same as the definition of such term—

“(I) that has been adopted pursuant to a State statute or regulation; or

“(II) that is used for purposes of the program established under titles XVIII or XIX of the Social Security Act or under chapter 89 of title 5, United States Code.

“(F) DETERMINATION OF INDEPENDENT MEDICAL REVIEWER.—An independent medical reviewer shall, in accordance with the deadlines described in subsection (e), prepare a written determination to uphold or reverse the denial under review. Such written determination shall include the specific reasons of the reviewer for such determination, including a summary of the clinical or scientific evidence based rationale used in making the determination. The reviewer may provide the plan or issuer and the treating health care professional with additional recommendations in connection with such a determination, but any such recommendations shall not be treated as part of the determination.

“(e) TIMELINES AND NOTIFICATIONS.—

“(I) TIMELINES FOR INDEPENDENT MEDICAL REVIEW.—

“(A) PRIOR AUTHORIZATION DETERMINATION.—

“(i) IN GENERAL.—The independent medical reviewer (or reviewers) shall make a determination on a denial of a claim for benefits that is referred to the reviewer under subsection (c)(3) not later than 14 business days after the receipt of information under subsection (c)(2) if the review involves a prior authorization of items or services.

“(ii) EXPEDITED DETERMINATION.—Notwithstanding clause (i), the independent medical reviewer (or reviewers) shall make an expedited determination on a denial of a claim for benefits described in clause (i), when a request for such an expedited determination is made by a participant or beneficiary (or authorized representative) at any time during the process for making a determination, and the treating health care professional substantiates, with the request, that a determination under the timeline described in clause (i) would seriously jeopardize the life or health of the participant or beneficiary. Such determination shall be made not later than 72 hours after the receipt of information under subsection (c)(2).

“(iii) CONCURRENT DETERMINATION.—Notwithstanding clause (i), a review described in such subclause shall be completed not later than 24 hours after the receipt of information under subsection (c)(2) if the review involves a discontinuation of inpatient care.

“(B) RETROSPECTIVE DETERMINATION.—The independent medical reviewer (or reviewers) shall complete a review in the case of a retrospective determination on an appeal of a denial of a claim for benefits that is referred to the reviewer under subsection (c)(3) not later than 30 business days after the receipt of information under subsection (c)(2).

“(2) NOTIFICATION OF DETERMINATION.—The external review entity shall ensure that the plan or issuer, the participant or beneficiary (or authorized representative) and the treating health care professional (if any) receives a copy of the written determination of the independent medical reviewer prepared under subsection (d)(3)(F). Nothing in this paragraph shall be construed as preventing an entity or reviewer from providing an initial oral notice of the reviewer’s determination.

“(3) FORM OF NOTICES.—Determinations and notices under this subsection shall be written in a manner calculated to be understood by an average participant.

“(4) TERMINATION OF EXTERNAL REVIEW PROCESS IF APPROVAL OF A CLAIM FOR BENEFITS DURING PROCESS.—

“(A) IN GENERAL.—If a plan or issuer—

“(i) reverses a determination on a denial of a claim for benefits that is the subject of an external review under this section and authorizes coverage for the claim or provides payment of the claim; and

“(ii) provides notice of such reversal to the participant or beneficiary (or authorized representative) and the treating health care professional (if any), and the external review entity responsible for such review, the external review process shall be terminated with respect to such denial and any filing fee paid under subsection (b)(2)(A)(iv) shall be refunded.

“(B) TREATMENT OF TERMINATION.—An authorization of coverage under subparagraph (A) by the plan or issuer shall be treated as a written determination to reverse a denial under section (d)(3)(F) for purposes of liability under section 502(n)(1)(B).

“(f) COMPLIANCE.—

“(1) APPLICATION OF DETERMINATIONS.—

“(A) EXTERNAL REVIEW DETERMINATIONS BINDING ON PLAN.—The determinations of an external review entity and an independent medical reviewer under this section shall be binding upon the plan or issuer involved.

“(B) COMPLIANCE WITH DETERMINATION.—If the determination of an independent medical reviewer is to reverse the denial, the plan or issuer, upon the receipt of such determination, shall authorize coverage to comply with the medical reviewer’s determination in accordance with the timeframe established by the medical reviewer.

“(2) FAILURE TO COMPLY.—If a plan or issuer fails to comply with the timeframe established under paragraph (1)(B)(i) with respect to a participant or beneficiary, where such failure to comply is caused by the plan or issuer, the participant or beneficiary may obtain the items or services involved (in a manner consistent with the determination of the independent external reviewer) from any provider regardless of whether such provider is a participating provider under the plan or coverage.

“(3) REIMBURSEMENT.—

“(A) IN GENERAL.—Where a participant or beneficiary obtains items or services in accordance with paragraph (2), the plan or issuer involved shall provide for reimbursement of the costs of such items or services. Such reimbursement shall be made to the treating health care professional or to the participant or beneficiary (in the case of a participant or beneficiary who pays for the costs of such items or services).

“(B) AMOUNT.—The plan or issuer shall fully reimburse a professional, participant or beneficiary under subparagraph (A) for the total costs of the items or services provided (regardless of any plan limitations that may apply to the coverage of such items of services) so long as—

“(i) the items or services would have been covered under the terms of the plan or coverage if provided by the plan or issuer; and

“(ii) the items or services were provided in a manner consistent with the determination of the independent medical reviewer.

“(4) FAILURE TO REIMBURSE.—Where a plan or issuer fails to provide reimbursement to a professional, participant or beneficiary in accordance with this subsection, the professional, participant or beneficiary may commence a civil action (or utilize other remedies available under law) to recover only the amount of any such reimbursement that is unpaid and any necessary legal costs or expenses (including attorneys’ fees) incurred in recovering such reimbursement.

“(g) QUALIFICATIONS OF INDEPENDENT MEDICAL REVIEWERS.—

“(1) IN GENERAL.—In referring a denial to 1 or more individuals to conduct independent medical review under subsection (c), the qualified external review entity shall ensure that—

“(A) each independent medical reviewer meets the qualifications described in paragraphs (2) and (3);

“(B) with respect to each review at least 1 such reviewer meets the requirements described in paragraphs (4) and (5); and

“(C) compensation provided by the entity to the reviewer is consistent with paragraph (6).

“(2) LICENSURE AND EXPERTISE.—Each independent medical reviewer shall be a physician or health care professional who—

“(A) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

“(B) typically treats the diagnosis or condition or provides the type or treatment under review.

“(3) INDEPENDENCE.—

“(A) IN GENERAL.—Subject to subparagraph (B), each independent medical reviewer in a case shall—

“(i) not be a related party (as defined in paragraph (7));

“(ii) not have a material familial, financial, or professional relationship with such a party; and

“(iii) not otherwise have a conflict of interest with such a party (as determined under regulations).

“(B) EXCEPTION.—Nothing in this subparagraph (A) shall be construed to—

“(i) prohibit an individual, solely on the basis of affiliation with the plan or issuer, from serving as an independent medical reviewer if—

“(I) a non-affiliated individual is not reasonably available;

“(II) the affiliated individual is not involved in the provision of items or services in the case under review; and

“(III) the fact of such an affiliation is disclosed to the plan or issuer and the participant or beneficiary (or authorized representative) and neither party objects;

“(ii) prohibit an individual who has staff privileges at the institution where the treatment involved takes place from serving as an independent medical reviewer if the affiliation is disclosed to the plan or issuer and the participant or beneficiary (or authorized representative), and neither party objects;

“(iii) permit an employee of a plan or issuer, or an individual who provides services exclusively or primarily to or on behalf of a plan or issuer, from serving as an independent medical reviewer; or

“(iv) prohibit receipt of compensation by an independent medical reviewer from an entity if the compensation is provided consistent with paragraph (6).

“(4) PRACTICING HEALTH CARE PROFESSIONAL IN SAME FIELD.—

“(A) IN GENERAL.—The requirement of this paragraph with respect to a reviewer in a case involving treatment, or the provision of items or services, by—

“(i) a physician, is that the reviewer be a practicing physician of the same or similar specialty, when reasonably available, as a physician who typically treats the diagnosis or condition or provides such treatment in the case under review; or

“(ii) a health care professional (other than a physician), is that the reviewer be a practicing physician or, if determined appropriate by the qualified external review entity, a health care professional (other than a physician), of the same or similar specialty as the health care professional who typically treats the diagnosis or condition or provides the treatment in the case under review.

“(B) PRACTICING DEFINED.—For purposes of this paragraph, the term ‘practicing’ means, with respect to an individual who is a physician or other health care professional that the individual provides health care services to individual patients on average at least 1 day per week.

“(5) AGE-APPROPRIATE EXPERTISE.—The independent medical reviewer shall have expertise under paragraph (2) that is age-appropriate to the participant or beneficiary involved.

“(6) LIMITATIONS ON REVIEWER COMPENSATION.—Compensation provided by a qualified external review entity to an independent medical reviewer in connection with a review under this section shall—

“(A) not exceed a reasonable level; and

“(B) not be contingent on the decision rendered by the reviewer.

“(7) RELATED PARTY DEFINED.—For purposes of this section, the term ‘related party’ means, with respect to a denial of a claim under a plan or coverage relating to a participant or beneficiary, any of the following:

“(A) The plan, plan sponsor, or issuer involved, or any fiduciary, officer, director, or employee of such plan, plan sponsor, or issuer.

“(B) The participant or beneficiary (or authorized representative).

“(C) The health care professional that provides the items of services involved in the denial.

“(D) The institution at which the items or services (or treatment) involved in the denial are provided.

“(E) The manufacturer of any drug or other item that is included in the items or services involved in the denial.

“(F) Any other party determined under any regulations to have a substantial interest in the denial involved.

“(h) QUALIFIED EXTERNAL REVIEW ENTITIES.—

“(I) SELECTION OF QUALIFIED EXTERNAL REVIEW ENTITIES.—

“(A) LIMITATION ON PLAN OR ISSUER SELECTION.—The Secretary shall implement procedures with respect to the selection of qualified external review entities by a plan or issuer to assure that the selection process among qualified external review entities will not create any incentives for external review entities to make a decision in a biased manner.

“(B) STATE AUTHORITY WITH RESPECT TO QUALIFIED EXTERNAL REVIEW ENTITIES FOR HEALTH INSURANCE ISSUERS.—With respect to health insurance issuers offering health insurance coverage in connection with a group health plan in a State, the State may, pursuant to a State law that is enacted after the date of enactment of the Patients’ Bill of Rights Plus Act, provide for the designation or selection of qualified external review entities in a manner determined by the State to assure an unbiased determination in conducting external review activities. In conducting reviews under this section, an entity designated or selected under this subparagraph shall comply with the provision of this section.

“(2) CONTRACT WITH QUALIFIED EXTERNAL REVIEW ENTITY.—Except as provided in paragraph (1)(B), the external review process of a plan or issuer under this section shall be conducted under a contract between the plan or issuer and 1 or more qualified external review entities (as defined in paragraph (4)(A)).

“(3) TERMS AND CONDITIONS OF CONTRACT.—The terms and conditions of a contract under paragraph (2) shall—

“(A) be consistent with the standards the Secretary shall establish to assure there is no real or apparent conflict of interest in the conduct of external review activities; and

“(B) provide that the costs of the external review process shall be borne by the plan or issuer.

Subparagraph (B) shall not be construed as applying to the imposition of a filing fee under subsection (b)(2)(A)(iv) or costs incurred by the participant or beneficiary (or authorized representative) or treating health care professional (if any) in support of the review, including the provision of additional evidence or information.

“(4) QUALIFICATIONS.—

“(A) IN GENERAL.—In this section, the term ‘qualified external review entity’ means, in relation to a plan or issuer, an entity that is initially certified (and periodically recertified) under subparagraph (C) as meeting the following requirements:

“(i) The entity has (directly or through contracts or other arrangements) sufficient medical, legal, and other expertise and sufficient staffing to carry out duties of a qualified external review entity under this section on a timely basis, including making determinations under subsection (b)(2)(A) and providing for independent medical reviews under subsection (d).

“(ii) The entity is not a plan or issuer or an affiliate or a subsidiary of a plan or issuer, and is not an affiliate or subsidiary of

a professional or trade association of plans or issuers or of health care providers.

“(iii) The entity has provided assurances that it will conduct external review activities consistent with the applicable requirements of this section and standards specified in subparagraph (C), including that it will not conduct any external review activities in a case unless the independence requirements of subparagraph (B) are met with respect to the case.

“(iv) The entity has provided assurances that it will provide information in a timely manner under subparagraph (D).

“(v) The entity meets such other requirements as the Secretary provides by regulation.

“(B) INDEPENDENCE REQUIREMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), an entity meets the independence requirements of this subparagraph with respect to any case if the entity—

“(I) is not a related party (as defined in subsection (g)(7));

“(II) does not have a material familial, financial, or professional relationship with such a party; and

“(III) does not otherwise have a conflict of interest with such a party (as determined under regulations).

“(ii) EXCEPTION FOR REASONABLE COMPENSATION.—Nothing in clause (i) shall be construed to prohibit receipt by a qualified external review entity of compensation from a plan or issuer for the conduct of external review activities under this section if the compensation is provided consistent with clause (iii).

“(iii) LIMITATIONS ON ENTITY COMPENSATION.—Compensation provided by a plan or issuer to a qualified external review entity in connection with reviews under this section shall—

“(I) not exceed a reasonable level; and

“(II) not be contingent on the decision rendered by the entity or by any independent medical reviewer.

“(C) CERTIFICATION AND RECERTIFICATION PROCESS.—

“(i) IN GENERAL.—The initial certification and recertification of a qualified external review entity shall be made—

“(I) under a process that is recognized or approved by the Secretary; or

“(II) by a qualified private standard-setting organization that is approved by the Secretary under clause (iii).

“(ii) PROCESS.—The Secretary shall not recognize or approve a process under clause (i)(I) unless the process applies standards (as promulgated in regulations) that ensure that a qualified external review entity—

“(I) will carry out (and has carried out, in the case of recertification) the responsibilities of such an entity in accordance with this section, including meeting applicable deadlines;

“(II) will meet (and has met, in the case of recertification) appropriate indicators of fiscal integrity;

“(III) will maintain (and has maintained, in the case of recertification) appropriate confidentiality with respect to individually identifiable health information obtained in the course of conducting external review activities; and

“(IV) in the case recertification, shall review the matters described in clause (iv).

“(iii) APPROVAL OF QUALIFIED PRIVATE STANDARD-SETTING ORGANIZATIONS.—For purposes of clause (i)(II), the Secretary may approve a qualified private standard-setting organization if the Secretary finds that the organization only certifies (or recertifies) external review entities that meet at least the standards required for the certification (or recertification) of external review entities under clause (ii).

"(iv) CONSIDERATIONS IN RECERTIFICATIONS.—In conducting recertifications of a qualified external review entity under this paragraph, the Secretary or organization conducting the recertification shall review compliance of the entity with the requirements for conducting external review activities under this section, including the following:

"(I) Provision of information under subparagraph (D).

"(II) Adherence to applicable deadlines (both by the entity and by independent medical reviewers it refers cases to).

"(III) Compliance with limitations on compensation (with respect to both the entity and independent medical reviewers it refers cases to).

"(IV) Compliance with applicable independence requirements.

"(v) PERIOD OF CERTIFICATION OR RECERTIFICATION.—A certification or recertification provided under this paragraph shall extend for a period not to exceed 5 years.

"(vi) REVOCATION.—A certification or recertification under this paragraph may be revoked by the Secretary or by the organization providing such certification upon a showing of cause.

"(D) PROVISION OF INFORMATION.—

"(i) IN GENERAL.—A qualified external review entity shall provide to the Secretary, in such manner and at such times as the Secretary may require, such information (relating to the denials which have been referred to the entity for the conduct of external review under this section) as the Secretary determines appropriate to assure compliance with the independence and other requirements of this section to monitor and assess the quality of its external review activities and lack of bias in making determinations. Such information shall include information described in clause (ii) but shall not include individually identifiable medical information.

"(ii) INFORMATION TO BE INCLUDED.—The information described in this subclause with respect to an entity is as follows:

"(I) The number and types of denials for which a request for review has been received by the entity.

"(II) The disposition by the entity of such denials, including the number referred to a independent medical reviewer and the reasons for such dispositions (including the application of exclusions), on a plan or issuer-specific basis and on a health care specialty-specific basis.

"(III) The length of time in making determinations with respect to such denials.

"(IV) Updated information on the information required to be submitted as a condition of certification with respect to the entity's performance of external review activities.

"(iii) INFORMATION TO BE PROVIDED TO CERTIFYING ORGANIZATION.—

"(I) IN GENERAL.—In the case of a qualified external review entity which is certified (or recertified) under this subsection by a qualified private standard-setting organization, at the request of the organization, the entity shall provide the organization with the information provided to the Secretary under clause (i).

"(II) ADDITIONAL INFORMATION.—Nothing in this subparagraph shall be construed as preventing such an organization from requiring additional information as a condition of certification or recertification of an entity.

"(iv) USE OF INFORMATION.—Information provided under this subparagraph may be used by the Secretary and qualified private standard-setting organizations to conduct oversight of qualified external review entities, including recertification of such entities, and shall be made available to the public in an appropriate manner.

"(E) LIMITATION ON LIABILITY.—No qualified external review entity having a contract with a plan or issuer, and no person who is employed by any such entity or who furnishes professional services to such entity (including as an independent medical reviewer), shall be held by reason of the performance of any duty, function, or activity required or authorized pursuant to this section, to be civilly liable under any law of the United States or of any State (or political subdivision thereof) if there was no actual malice or gross misconduct in the performance of such duty, function, or activity.

"(i) DEFINITIONS.—In this section:

"(1) AUTHORIZED REPRESENTATIVE.—The term 'authorized representative' means, with respect to a participant or beneficiary—

"(A) a person to whom a participant or beneficiary has given express written consent to represent the participant or beneficiary in any proceeding under this section;

"(B) a person authorized by law to provide substituted consent for the participant or beneficiary; or

"(C) a family member of the participant or beneficiary (or the estate of the participant or beneficiary) or the participant's or beneficiary's treating health care professional when the participant or beneficiary is unable to provide consent.

"(2) CLAIM FOR BENEFITS.—The term 'claim for benefits' means any request by a participant or beneficiary (or authorized representative) for benefits (including requests that are subject to authorization of coverage or utilization review), for eligibility, or for payment in whole or in part, for an item or service under a group health plan or health insurance coverage offered by a health insurance issuer in connection with a group health plan.

"(3) GROUP HEALTH PLAN.—The term 'group health plan' shall have the meaning given such term in section 733(a). In applying this paragraph, excepted benefits described in section 733(c) shall not be treated as benefits consisting of medical care.

"(4) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term in section 733(b)(1). In applying this paragraph, excepted benefits described in section 733(c) shall not be treated as benefits consisting of medical care.

"(5) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 733(b)(2).

"(6) PRIOR AUTHORIZATION DETERMINATION.—The term 'prior authorization determination' means a determination by the group health plan or health insurance issuer offering health insurance coverage in connection with a group health plan prior to the provision of the items and services as a condition of coverage of the items and services under the terms and conditions of the plan or coverage.

"(7) TREATING HEALTH CARE PROFESSIONAL.—The term 'treating health care professional' with respect to a group health plan, health insurance issuer or provider sponsored organization means a physician (medical doctor or doctor of osteopathy) or other health care practitioner who is acting within the scope of his or her State licensure or certification for the delivery of health care services and who is primarily responsible for delivering those services to the participant or beneficiary.

"(8) UTILIZATION REVIEW.—The term 'utilization review' with respect to a group health plan or health insurance coverage means procedures used in the determination of coverage for a participant or beneficiary, such as procedures to evaluate the medical necessity, appropriateness, efficacy, quality, or efficiency of health care services, procedures or settings, and includes prospective review,

concurrent review, second opinions, case management, discharge planning, or retrospective review."

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 503 the following:

"Sec. 503A. Claims and internal appeals procedures for group health plans.

"Sec. 503B. Independent external appeals procedures for group health plans."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after 2 years after the date of enactment of this Act. The Secretary shall issue all regulations necessary to carry out the amendments made by this section before the effective date thereof.

SEC. 222. ENFORCEMENT.

Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)) is amended by adding at the end the following:

"(8) The Secretary may assess a civil penalty against any plan of up to \$10,000 for the plan's failure or refusal to comply with any deadline applicable under section 503B or any determination under such section, except that in any case in which treatment was not commenced by the plan in accordance with the determination of an independent external reviewer, the Secretary shall assess a civil penalty of \$10,000 against the plan and the plan shall pay such penalty to the participant or beneficiary involved."

Subtitle D—Remedies

SEC. 231. AVAILABILITY OF COURT REMEDIES.

(a) IN GENERAL.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following:

"(n) CAUSE OF ACTION RELATING TO DENIAL OF A CLAIM FOR HEALTH BENEFITS.—

"(1) IN GENERAL.—

"(A) FAILURE TO COMPLY WITH EXTERNAL MEDICAL REVIEW.—In any case in which—

"(i) a designated decision-maker described in paragraph (2) fails to exercise ordinary care in approving coverage pursuant to the written determination of an independent medical reviewer under section 503B(d)(3)(F) that reverses a denial of a claim for benefits; and

"(ii) the failure described in clause (i) is the proximate cause of substantial harm to, or the wrongful death of, the participant or beneficiary;

such designated decision-maker shall be liable to the participant or beneficiary (or the estate of such participant or beneficiary) for economic and noneconomic damages in connection with such failure and such injury or death (subject to paragraph (4)).

"(B) WRONGFUL DETERMINATION RESULTING IN DELAY IN PROVIDING BENEFITS.—In any case in which—

"(i) a designated decision-maker described in paragraph (2) acts in bad faith in making a final determination denying a claim for benefits under section 503A(b);

"(ii) the denial described in clause (i) is reversed by an independent medical reviewer under section 503B(d); and

"(iii) the delay attributable to the failure described in clause (i) is the proximate cause of substantial harm to, or the wrongful death of, the participant or beneficiary; such designated decision-maker shall be liable to the participant or beneficiary (or the estate of such participant or beneficiary) for economic and noneconomic damages in connection with such failure and such injury or death (subject to paragraph (4)).

"(2) DESIGNATED DECISION-MAKERS FOR PURPOSES OF LIABILITY.—An employer or plan

sponsor shall not be liable under any cause of action described in paragraph (I) if the employer or plan sponsor complies with the following provisions:

“(A) **APPOINTMENT.**—A group health plan may designate one or more persons to serve as the designated decision-maker for purposes of paragraph (I). Such designated decision-makers shall have the exclusive authority under the group health plan (or under the health insurance coverage in the case of a health insurance issuer offering coverage in connection with a group health plan) to make determinations described in section 503A with respect to claims for benefits and determination to approve coverage pursuant to written determination of independent medical reviewers under section 503B, except that the plan documents may expressly provide that the designated decision-maker is subject to the direction of a named fiduciary.

“(B) **PROCEDURES.**—A designated decision-maker shall—

“(i) be a person who is named in the plan or coverage documents, or who, pursuant to procedures specified in the plan or coverage documents, is identified as the designated decision-maker by—

“(I) a person who is an employer or employee organization with respect to the plan or issuer;

“(II) a person who is such an employer and such an employee organization acting jointly; or

“(III) a person who is a named fiduciary;

“(ii) agree to accept appointment as a designated decision-maker; and

“(iii) be identified in the plan or coverage documents as required under section 714(b)(14).

“(C) **QUALIFICATIONS.**—To be appointed as a designated decision-maker under this paragraph, a person shall be—

“(i) a plan sponsor;

“(ii) a group health plan;

“(iii) a health insurance issuer; or

“(iv) any other person who can provide adequate evidence, in accordance with regulations promulgated by the Secretary, of the ability of the person to—

“(I) carry out the responsibilities set forth in the plan or coverage documents;

“(II) carry out the applicable requirements of this subsection; and

“(III) meet other applicable requirements under this Act, including any financial obligation for liability under this subsection.

“(D) **FLEXIBILITY IN ADMINISTRATION.**—A group health plan, or health insurance issuer offering coverage in connection with a group health plan, may provide—

“(i) that any person or group of persons may serve in more than one capacity with respect to the plan or coverage (including service as a designated decision-maker, administrator, and named fiduciary); or

“(ii) that a designated decision-maker may employ one or more persons to provide advice with respect to any responsibility of such decision-maker under the plan or coverage.

“(E) **FAILURE TO DESIGNATE.**—In any case in which a designated decision-maker is not appointed under this paragraph, the group health plan (or health insurance issuer offering coverage in connection with the group health plan), the administrator, or the party or parties that bears the sole responsibility for making the final determination under section 503A(b) (with respect to an internal review), or for approving coverage pursuant to the written determination of an independent medical reviewer under section 503B, with respect to a denial of a claim for benefits shall be treated as the designated decision-maker for purposes of liability under this section.

“(3) **REQUIREMENT OF EXHAUSTION OF INDEPENDENT MEDICAL REVIEW.**—Paragraph (I) shall apply only if a final determination denying a claim for benefits under section 503A(b) has been referred for independent medical review under section 503B(d) and a written determination by an independent medical reviewer to reverse such final determination has been issued with respect to such review.

“(4) **LIMITATIONS ON RECOVERY OF DAMAGES.**—

“(A) **MAXIMUM AWARD OF NONECONOMIC DAMAGES.**—The aggregate amount of liability for noneconomic loss in an action under paragraph (I) may not exceed \$350,000.

“(B) **INCREASE IN AMOUNT.**—The amount referred to in subparagraph (A) shall be increased or decreased, for each calendar year that ends after December 31, 2001, by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the such Index for September of 2001.

“(C) **JOINT AND SEVERAL LIABILITY.**—In the case of any action commenced pursuant to paragraph (I), the defendant shall be liable only for the amount of noneconomic damages attributable to such defendant in direct proportion to such defendant's share of fault or responsibility for the injury suffered by the participant or beneficiary. In all such cases, the liability of a defendant for noneconomic damages shall be several and not joint.

“(D) **TREATMENT OF COLLATERAL SOURCE PAYMENTS.**—

“(i) **IN GENERAL.**—In the case of any action commenced pursuant to paragraph (I), the total amount of damages received by a participant or beneficiary under such action shall be reduced, in accordance with clause (ii), by any other payment that has been, or will be, made to such participant or beneficiary to compensate such participant or beneficiary for the injury that was the subject of such action.

“(ii) **AMOUNT OF REDUCTION.**—The amount by which an award of damages to a participant or beneficiary for an injury shall be reduced under clause (i) shall be—

“(I) the total amount of any payments (other than such award) that have been made or that will be made to such participant or beneficiary to pay costs of or compensate such participant or beneficiary for the injury that was the subject of the action; less

“(II) the amount paid by such participant or beneficiary (or by the spouse, parent, or legal guardian of such participant or beneficiary) to secure the payments described in subclause (I).

“(iii) **DETERMINATION OF AMOUNTS FROM COLLATERAL SOURCES.**—The reduction required under clause (ii) shall be determined by the court in a pretrial proceeding. At the subsequent trial no evidence shall be admitted as to the amount of any charge, payments, or damage for which a participant or beneficiary—

“(I) has received payment from a collateral source or the obligation for which has been assured by a third party; or

“(II) is, or with reasonable certainty, will be eligible to receive from a collateral source which will, with reasonable certainty, be assumed by a third party.

“(5) **AFFIRMATIVE DEFENSES.**—In the case of any cause of action under paragraph (I), it shall be an affirmative defense that—

“(A) the group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, involved did not receive from the participant or beneficiary (or authorized rep-

resentative) or the treating health care professional (if any), sufficient information regarding the medical condition of the participant or beneficiary that was necessary to make a final determination on a claim for benefits under section 503A(b);

“(B) the participant or beneficiary (or authorized representative)—

“(i) was in possession of facts that were sufficient to enable the participant or beneficiary (or authorized representative) to know that an expedited review under section 503A or 503B would have prevented the harm that is the subject of the action; and

“(ii) failed to notify the plan or issuer of the need for such an expedited review; or

“(C) the cause of action is based solely on the failure of a qualified external review entity or an independent medical reviewer to meet the timelines applicable under section 503B.

Nothing in this paragraph shall be construed to limit the application of any other affirmative defense that may be applicable to the cause of action involved.

“(6) **WAIVER OF INTERNAL REVIEW.**—In the case of any cause of action under paragraph (I), the waiver or nonwaiver of internal review under section 503A(b)(1)(D) by the group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall not be used in determining liability.

“(7) **LIMITATIONS ON ACTIONS.**—Paragraph (I) shall not apply in connection with any action that is commenced more than 1 year after—

“(A) the date on which the last act occurred which constituted a part of the failure referred to in such paragraph; or

“(B) in the case of an omission, the last date on which the decision-maker could have cured the failure.

“(8) **LIMITATION ON RELIEF WHERE DEFENDANT'S POSITION PREVIOUSLY SUPPORTED UPON EXTERNAL REVIEW.**—In any case in which the court finds the defendant to be liable in an action under this subsection, to the extent that such liability is based on a finding by the court of a particular failure described in paragraph (I) and such finding is contrary to a previous determination by an independent medical reviewer under section 503B(d) with respect to such defendant, no relief shall be available under this subsection in addition to the relief otherwise available under subsection (a)(1)(B).

“(9) **CONSTRUCTION.**—Nothing in this subsection shall be construed as authorizing a cause of action under paragraph (I) for—

“(A) the failure of a group health plan or health insurance issuer to provide an item or service that is specifically excluded under the plan or coverage; or

“(B) any denial of a claim for benefits that was not eligible for independent medical review under section 503B(d).

“(10) **FEDERAL JURISDICTION.**—In the case of any action commenced pursuant to paragraph (I) the district courts of the United States shall have exclusive jurisdiction.

“(11) **DEFINITIONS.**—In this subsection:

“(A) **AUTHORIZED REPRESENTATIVE.**—The term ‘authorized representative’ has the meaning given such term in section 503B(i).

“(B) **CLAIM FOR BENEFITS.**—The term ‘claim for benefits’ shall have the meaning given such term in section 503B(i), except that such term shall only include claims for prior authorization determinations (as such term is defined in section 503B(i)).

“(C) **GROUP HEALTH PLAN.**—The term ‘group health plan’ shall have the meaning given such term in section 733(a).

“(D) **HEALTH INSURANCE COVERAGE.**—The term ‘health insurance coverage’ has the meaning given such term in section 733(b)(1).

“(E) HEALTH INSURANCE ISSUER.—The term ‘health insurance issuer’ has the meaning given such term in section 733(b)(2) (including health maintenance organizations as defined in section 733(b)(3)).

“(F) ORDINARY CARE.—The term ‘ordinary care’ means the care, skill, prudence, and diligence under the circumstances prevailing at the time the care is provided that a prudent individual acting in a like capacity and familiar with the care being provided would use in providing care of a similar character.

“(G) SUBSTANTIAL HARM.—The term ‘substantial harm’ means the loss of life, loss or significant impairment of limb or bodily function, significant disfigurement, or severe and chronic physical pain.

“(12) EFFECTIVE DATE.—The provisions of this subsection shall apply to acts and omissions occurring on or after the date of enactment of this subsection.”

(b) IMMUNITY FROM LIABILITY FOR PROVISION OF INSURANCE OPTIONS.—

(1) IN GENERAL.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132), as amended by subsection (a), is further amended by adding at the end the following:

“(o) IMMUNITY FROM LIABILITY FOR PROVISION OF INSURANCE OPTIONS.—

“(1) IN GENERAL.—No liability shall arise under subsection (n) with respect to a participant or beneficiary against a group health plan (other than a fully insured group health plan) if such plan offers the participant or beneficiary the coverage option described in paragraph (2).

“(2) COVERAGE OPTION.—The coverage option described in this paragraph is one under which the group health plan (other than a fully insured group health plan), at the time of enrollment or as provided for in paragraph (3), provides the participant or beneficiary with the option to—

“(A) enroll for coverage under a fully insured health plan; or

“(B) receive an individual benefit payment, in an amount equal to the amount that would be contributed on behalf of the participant or beneficiary by the plan sponsor for enrollment in the group health plan, for use by the participant or beneficiary in obtaining health insurance coverage in the individual market.

“(3) TIME OF OFFERING OF OPTION.—The coverage option described in paragraph (2) shall be offered to a participant or beneficiary—

“(A) during the first period in which the individual is eligible to enroll under the group health plan; or

“(B) during any special enrollment period provided by the group health plan after the date of enactment of the Patients’ Bill of Rights Plus Act for purposes of offering such coverage option.”

(2) AMENDMENTS TO INTERNAL REVENUE CODE.—

(A) EXCLUSION FROM INCOME.—Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employer to accident and health plans) is amended by adding at the end the following:

“(d) TREATMENT OF CERTAIN COVERAGE OPTION UNDER SELF-INSURED PLANS.—No amount shall be included in the gross income of an individual by reason of—

“(1) the individual’s right to elect a coverage option described in section 502(o)(2) of the Employee Retirement Income Security Act of 1974, or

“(2) the receipt by the individual of an individual benefit payment described in section 502(o)(2)(A) of such Act.”

(B) NONDISCRIMINATION RULES.—Section 105(h) of such Code (relating to self-insured medical expense reimbursement plans) is amended by adding at the end the following:

“(11) TREATMENT OF CERTAIN COVERAGE OPTIONS.—If a self-insured medical reimbursement plan offers the coverage option described in section 502(o)(2) of the Employee Retirement Income Security Act of 1974, employees who elect such option shall be treated as eligible to benefit under the plan and the plan shall be treated as benefiting such employees.”

(c) CONFORMING AMENDMENT.—Section 502(a)(1)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)(1)(A)) is amended by inserting “or (n)” after “subsection (c)”.
SEC. 232. LIMITATION ON CERTAIN CLASS ACTION LITIGATION.

(a) ERISA.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132), as amended by section 231, is further amended by adding at the end the following:

“(p) LIMITATION ON CLASS ACTION LITIGATION.—A claim or cause of action under section 502(n) may not be maintained as a class action.”

(b) RICO.—Section 1964(c) of title 18, United States Code, is amended—

(1) by inserting “(1)” after the subsection designation; and

(2) by adding at the end the following:

“(2) No action may be brought under this subsection, or alleging any violation of section 1962, against any person where the action seeks relief for which a remedy may be provided under section 502 of the Employee Retirement Income Security Act of 1974.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to all civil actions that are filed on or after the date of enactment of this Act.

(2) PENDING CIVIL ACTIONS.—Notwithstanding section 502(p) of the Employee Retirement Income Security Act of 1974 and section 1964(c)(2) of title 18, United States Code, such sections 502(p) and 1964(c)(2) shall apply to civil actions that are pending and have not been finally determined by judgment or settlement prior to the date of enactment of this Act if such actions are substantially similar in nature to the claims or causes of actions referred to in such sections 502(p) and 1964(c)(2).

SEC. 233. SEVERABILITY.

If any provision of this subtitle, an amendment made by this subtitle, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this subtitle, the amendments made by this subtitle, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE III—WOMEN’S HEALTH AND CANCER RIGHTS

SEC. 301. WOMEN’S HEALTH AND CANCER RIGHTS.

(a) SHORT TITLE.—This section may be cited as the “Women’s Health and Cancer Rights Act of 2000”.

(b) FINDINGS.—Congress finds that—

(1) the offering and operation of health plans affect commerce among the States;

(2) health care providers located in a State serve patients who reside in the State and patients who reside in other States; and

(3) in order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in 1 State as well as health plans operating among the several States.

(c) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 211(a), is further amended by adding at the end the following:

“SEC. 715. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.

“(a) INPATIENT CARE.—

“(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically necessary and appropriate following—

“(A) a mastectomy;

“(B) a lumpectomy; or

“(C) a lymph node dissection for the treatment of breast cancer.

“(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

“(b) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

“(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

“(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

“(2) as part of any yearly informational packet sent to the participant or beneficiary; or

“(3) not later than January 1, 2001; whichever is earlier.

“(d) SECONDARY CONSULTATIONS.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(e) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (d)."

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 714 the following new item:

"Sec. 715. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer and coverage for secondary consultations."

(d) AMENDMENTS TO PHSA RELATING TO THE GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

"SEC. 2707. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically necessary and appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

"(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section

in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 2001;

whichever is earlier.

"(d) SECONDARY CONSULTATIONS.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(e) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (d)."

(e) AMENDMENTS TO PHSA RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements) (42 U.S.C. 300gg-51 et seq.) is amended—

(1) by redesignating such subpart as subpart 2; and

(2) by adding at the end the following:

"SEC. 2753. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND SECONDARY CONSULTATIONS.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market."

(f) AMENDMENTS TO THE IRC.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 202, is further amended by inserting after section 9813 the following:

"SEC. 9814. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically necessary and appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

"(c) NOTICE.—A group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan and shall be transmitted—

"(1) in the next mailing made by the plan to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 2000;

whichever is earlier.

"(d) SECONDARY CONSULTATIONS.—

"(1) IN GENERAL.—A group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall

ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(e) PROHIBITION ON PENALTIES.—A group health plan may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan involved under subsection (d)."

(2) CLERICAL AMENDMENT.—The table of contents for chapter 100 of such Code is amended by inserting after the item relating to section 9813 the following new item:

"Sec. 9814. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer and coverage for secondary consultations."

TITLE IV—GENETIC INFORMATION AND SERVICES

SEC. 401. SHORT TITLE.

This title may be cited as the "Genetic Information Nondiscrimination in Health Insurance Act of 1999".

SEC. 402. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 702(a)(1)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services)".

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 301(c), is further amended by adding at the end the following:

"SEC. 716. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services)."

(3) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 702(b) of the Employee Retirement Income Security Act of

1974 (29 U.S.C. 1182(b)) is amended by adding at the end the following:

"(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 716."

(B) TABLE OF CONTENTS.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974, as amended by section 301, is further amended by inserting after the item relating to section 715 the following new item:

"Sec. 716. Prohibiting premium discrimination against groups on the basis of predictive genetic information."

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

"(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

"(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).

"(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

"(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

"(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

"(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

"(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer's confidentiality practices, that shall include—

"(i) a description of an individual's rights with respect to predictive genetic information;

"(ii) the procedures established by the plan or issuer for the exercise of the individual's rights; and

"(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

"(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the Na-

tional Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

"(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer."

(c) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

"(5) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(6) GENETIC INFORMATION.—The term 'genetic information' means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

"(7) GENETIC SERVICES.—The term 'genetic services' means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

"(8) PREDICTIVE GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'predictive genetic information' means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

"(i) information about an individual's genetic tests;

"(ii) information about genetic tests of family members of the individual; or

"(iii) information about the occurrence of a disease or disorder in family members.

"(B) EXCEPTIONS.—The term 'predictive genetic information' shall not include—

"(i) information about the sex or age of the individual;

"(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

"(iii) information about physical exams of the individual.

"(9) GENETIC TEST.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease."

(d) EFFECTIVE DATE.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning 1 year after the date of the enactment of this Act.

SEC. 403. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION IN THE GROUP MARKET.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the period the following: “(including information about a request for or receipt of genetic services)”.

(B) NO DISCRIMINATION IN PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.), as amended by section 301(d), is amended by adding at the end the following new section: **“SEC. 2708. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION IN THE GROUP MARKET.”**

“A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).”.

(C) CONFORMING AMENDMENT.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg-1(b)) is amended by adding at the end the following:

“(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 2708.”.

(D) LIMITATION ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

“(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

“(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer's confidentiality practices, that shall include—

“(i) a description of an individual's rights with respect to predictive genetic information;

“(ii) the procedures established by the plan or issuer for the exercise of the individual's rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.”.

(2) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following:

“(15) FAMILY MEMBER.—The term ‘family member’ means, with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(16) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

“(17) GENETIC SERVICES.—The term ‘genetic services’ means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(18) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

“(i) information about an individual's genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) EXCEPTIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

“(iii) information about physical exams of the individual.

“(19) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.”.

(e) AMENDMENTS TO PHSA RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements) (42 U.S.C. 300gg-51 et seq.), as amended by section 301(e), is further amended by adding at the end the following:

“SEC. 2754. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.”

“(a) PROHIBITION ON PREDICTIVE GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—A health insurance issuer offering health insurance coverage in the individual market may not use predictive genetic information as a condition of eligibility of an individual to enroll in individual health insurance coverage (including information about a request for or receipt of genetic services).

“(b) PROHIBITION ON PREDICTIVE GENETIC INFORMATION IN SETTING PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium rates for individuals on the basis of predictive genetic information concerning such an individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a health insurance issuer offering health insurance coverage in the individual market shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the health insurance issuer offering health insurance coverage in the individual market shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

“(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A health insurance issuer offering health insurance coverage in the individual market shall post or provide, in writing and in a clear and conspicuous manner, notice of the issuer's

confidentiality practices, that shall include—

“(i) a description of an individual’s rights with respect to predictive genetic information;

“(ii) the procedures established by the issuer for the exercise of the individual’s rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A health insurance issuer offering health insurance coverage in the individual market shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such issuer.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after 1 year after the date of enactment of this Act; and

(2) health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after 1 year after the date of enactment of this Act.

SEC. 404. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 9802(a)(1)(F) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: “(including information about a request for or receipt of genetic services)”.

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—

(A) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 301(f), is further amended by adding at the end the following:

“SEC. 9815. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“A group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).”.

(B) CONFORMING AMENDMENT.—Section 9802(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or the receipt of genetic services), see section 9815.”.

(C) AMENDMENT TO TABLE OF SECTIONS.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 301(f), is further amended by adding at the end the following:

“Sec. 9815. Prohibiting premium discrimination against groups on the basis of predictive genetic information.”.

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 9802 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(d) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES; DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (e), of such predictive genetic information.

“(e) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A group health plan shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan’s confidentiality practices, that shall include—

“(i) a description of an individual’s rights with respect to predictive genetic information;

“(ii) the procedures established by the plan for the exercise of the individual’s rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan.”.

(c) DEFINITIONS.—Section 9832(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(6) FAMILY MEMBER.—The term ‘family member’ means, with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(7) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

“(8) GENETIC SERVICES.—The term ‘genetic services’ means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(9) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

“(i) information about an individual’s genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) EXCEPTIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

“(iii) information about physical exams of the individual.

“(10) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.”.

(d) EFFECTIVE DATE.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after 1 year after the date of the enactment of this Act.

TITLE V—PATIENT SAFETY AND ERRORS REDUCTION

SEC. 501. SHORT TITLE.

This title may be cited as the “Patient Safety and Errors Reduction Act”.

SEC. 502. PURPOSES.

It is the purpose of this title to—

(1) promote the identification, evaluation, and reporting of medical errors;

(2) raise standards and expectations for improvements in patient safety;

(3) reduce deaths, serious injuries, and other medical errors through the implementation of safe practices at the delivery level;

(4) develop error reduction systems with legal protections to support the collection of information under such systems;

(5) extend existing confidentiality and peer review protections to the reports relating to medical errors that are reported under such systems that are developed for safety and quality improvement purposes; and

(6) provide for the establishment of systems of information collection, analysis, and dissemination to enhance the knowledge base concerning patient safety.

SEC. 503. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) by redesignating part C as part D;

(2) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(3) in section 938(1) (as so redesignated), by striking "921" and inserting "931"; and

(4) by inserting after part B the following:

"PART C—REDUCING ERRORS IN HEALTH CARE"

"SEC. 921. DEFINITIONS.

"In this part:

"(1) **ADVERSE EVENT.**—The term 'adverse event' means, with respect to the patient of a provider of services, an untoward incident, therapeutic misadventure, or iatrogenic injury directly associated with the provision of health care items and services by a health care provider or provider of services.

"(2) **CENTER.**—The term 'Center' means the Center for Quality Improvement and Patient Safety established under section 922(b).

"(3) **CLOSE CALL.**—The term 'close call' means, with respect to the patient of a provider of services, any event or situation that—

"(A) but for chance or a timely intervention, could have resulted in an accident, injury, or illness; and

"(B) is directly associated with the provision of health care items and services by a provider of services.

"(4) **EXPERT ORGANIZATION.**—The term 'expert organization' means a third party acting on behalf of, or in conjunction with, a provider of services to collect information about, or evaluate, a medical event.

"(5) **HEALTH CARE OVERSIGHT AGENCY.**—The term 'health care oversight agency' means an agency, entity, or person, including the employees and agents thereof, that performs or oversees the performance of any activities necessary to ensure the safety of the health care system.

"(6) **HEALTH CARE PROVIDER.**—The term 'health care provider' means—

"(A) any provider of services (as defined in section 1861(u) of the Social Security Act); and

"(B) any person furnishing any medical or other health care services as defined in section 1861(s)(1) and (2) of such Act through, or under the authority of, a provider of services described in subparagraph (A).

"(7) **PROVIDER OF SERVICES.**—The term 'provider of services' means a hospital, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, renal dialysis facility, ambulatory surgical center, or hospice program, and any other entity specified in regulations promulgated by the Secretary after public notice and comment.

"(8) **PUBLIC HEALTH AUTHORITY.**—The term 'public health authority' means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, and an Indian tribe that is responsible for public health matters as part of its official mandate.

"(9) **MEDICAL EVENT.**—The term 'medical event' means, with respect to the patient of a provider of services, any sentinel event, adverse event, or close call.

"(10) **MEDICAL EVENT ANALYSIS ENTITY.**—The term 'medical event analysis entity' means an entity certified under section 923(a).

"(11) **ROOT CAUSE ANALYSIS.**—

"(A) **IN GENERAL.**—The term 'root cause analysis' means a process for identifying the basic or contributing causal factors that underlie variation in performance associated with medical events that—

"(i) has the characteristics described in subparagraph (B);

"(ii) includes participation by the leadership of the provider of services and individuals most closely involved in the processes and systems under review;

"(iii) is internally consistent; and

"(iv) includes the consideration of relevant literature.

"(B) **CHARACTERISTICS.**—The characteristics described in this subparagraph include the following:

"(i) The analysis is interdisciplinary in nature and involves those individuals who are responsible for administering the reporting systems.

"(ii) The analysis focuses primarily on systems and processes rather than individual performance.

"(iii) The analysis involves a thorough review of all aspects of the process and all contributing factors involved.

"(iv) The analysis identifies changes that could be made in systems and processes, through either redesign or development of new processes or systems, that would improve performance and reduce the risk of medical events.

"(12) **SENTINEL EVENT.**—The term 'sentinel event' means, with respect to the patient of a provider of services, an unexpected occurrence that—

"(A) involves death or serious physical or psychological injury (including loss of a limb); and

"(B) is directly associated with the provision of health care items and services by a health care provider or provider of services.

"SEC. 922. RESEARCH TO IMPROVE THE QUALITY AND SAFETY OF PATIENT CARE.

"(a) **IN GENERAL.**—To improve the quality and safety of patient care, the Director shall—

"(1) conduct and support research, evaluations and training, support demonstration projects, provide technical assistance, and develop and support partnerships that will identify and determine the causes of medical errors and other threats to the quality and safety of patient care;

"(2) identify and evaluate interventions and strategies for preventing or reducing medical errors and threats to the quality and safety of patient care;

"(3) identify, in collaboration with experts from the public and private sector, reporting parameters to provide consistency throughout the errors reporting system;

"(4) identify approaches for the clinical management of complications from medical errors; and

"(5) establish mechanisms for the rapid dissemination of interventions and strategies identified under this section for which there is scientific evidence of effectiveness.

"(b) **CENTER FOR QUALITY IMPROVEMENT AND PATIENT SAFETY.**—

"(1) **ESTABLISHMENT.**—The Director shall establish a center to be known as the Center for Quality Improvement and Patient Safety to assist the Director in carrying out the requirements of subsection (a).

"(2) **MISSION.**—The Center shall—

"(A) provide national leadership for research and other initiatives to improve the quality and safety of patient care;

"(B) build public-private sector partnerships to improve the quality and safety of patient care; and

"(C) serve as a national resource for research and learning from medical errors.

"(3) **DUTIES.**—

"(A) **IN GENERAL.**—In carrying out this section, the Director, acting through the Center, shall consult and build partnerships, as appropriate, with all segments of the health care industry, including health care practitioners and patients, those who manage health care facilities, systems and plans, peer review organizations, health care purchasers and policymakers, and other users of health care research.

"(B) **REQUIRED DUTIES.**—In addition to the broad responsibilities that the Director may assign to the Center for research and related

activities that are designed to improve the quality of health care, the Director shall ensure that the Center—

"(i) builds scientific knowledge and understanding of the causes of medical errors in all health care settings and identifies or develops and validates effective interventions and strategies to reduce errors and improve the safety and quality of patient care;

"(ii) promotes public and private sector research on patient safety by—

"(I) developing a national patient safety research agenda;

"(II) identifying promising opportunities for preventing or reducing medical errors; and

"(III) tracking the progress made in addressing the highest priority research questions with respect to patient safety;

"(iii) facilitates the development of voluntary national patient safety goals by convening all segments of the health care industry and tracks the progress made in meeting those goals;

"(iv) analyzes national patient safety data for inclusion in the annual report on the quality of health care required under section 913(b)(2);

"(v) strengthens the ability of the United States to learn from medical errors by—

"(I) developing the necessary tools and advancing the scientific techniques for analysis of errors;

"(II) providing technical assistance as appropriate to reporting systems; and

"(III) entering into contracts to receive and analyze aggregate data from public and private sector reporting systems;

"(vi) supports dissemination and communication activities to improve patient safety, including the development of tools and methods for educating consumers about patient safety; and

"(vii) undertakes related activities that the Director determines are necessary to enable the Center to fulfill its mission.

"(C) **LIMITATION.**—Aggregate data gathered for the purposes described in this section shall not include specific patient, health care provider, or provider of service identifiers.

"(c) **LEARNING FROM MEDICAL ERRORS.**—

"(1) **IN GENERAL.**—To enhance the ability of the health care community in the United States to learn from medical events, the Director shall—

"(A) carry out activities to increase scientific knowledge and understanding regarding medical error reporting systems;

"(B) carry out activities to advance the scientific knowledge regarding the tools and techniques for analyzing medical events and determining their root causes;

"(C) carry out activities in partnership with experts in the field to increase the capacity of the health care community in the United States to analyze patient safety data;

"(D) develop a confidential national safety database of medical event reports;

"(E) conduct and support research, using the database developed under subparagraph (D), into the causes and potential interventions to decrease the incidence of medical errors and close calls; and

"(F) ensure that information contained in the national database developed under subparagraph (D) does not include specific patient, health care provider, or provider of service identifiers.

"(2) **NATIONAL PATIENT SAFETY DATABASE.**—The Director shall, in accordance with paragraph (1)(D), establish a confidential national safety database (to be known as the National Patient Safety Database) of reports of medical events that can be used only for research to improve the quality and safety of patient care. In developing and managing the

National Patient Safety Database, the Director shall—

“(A) ensure that the database is only used for its intended purpose;

“(B) ensure that the database is only used by the Agency, medical event analysis entities, and other qualified entities or individuals as determined appropriate by the Director and in accordance with paragraph (3) or other criteria applied by the Director;

“(C) ensure that the database is as comprehensive as possible by aggregating data from Federal, State, and private sector patient safety reporting systems;

“(D) conduct and support research on the most common medical errors and close calls, their causes, and potential interventions to reduce medical errors and improve the quality and safety of patient care;

“(E) disseminate findings made by the Director, based on the data in the database, to clinicians, individuals who manage health care facilities, systems, and plans, patients, and other individuals who can act appropriately to improve patient safety; and

“(F) develop a rapid response capacity to provide alerts when specific health care practices pose an imminent threat to patients or health care practitioners, or other providers of health care items or services.

“(3) CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.—Notwithstanding any other provision of law any information (including any data, reports, records, memoranda, analyses, statements, and other communications) developed by or on behalf of a health care provider or provider of services with respect to a medical event, that is contained in the National Patient Safety Database shall be confidential in accordance with section 925.

“(4) PATIENT SAFETY REPORTING SYSTEMS.—The Director shall identify public and private sector patient safety reporting systems and build scientific knowledge and understanding regarding the most effective—

“(A) components of patient safety reporting systems;

“(B) incentives intended to increase the rate of error reporting;

“(C) approaches for undertaking root cause analyses;

“(D) ways to provide feedback to those filing error reports;

“(E) techniques and tools for collecting, integrating, and analyzing patient safety data; and

“(F) ways to provide meaningful information to patients, consumers, and purchasers that will enhance their understanding of patient safety issues.

“(5) TRAINING.—The Director shall support training initiatives to build the capacity of the health care community in the United States to analyze patient safety data and to act on that data to improve patient safety.

“(d) EVALUATION.—The Director shall recommend strategies for measuring and evaluating the national progress made in implementing safe practices identified by the Center through the research and analysis required under subsection (b) and through the voluntary reporting system established under subsection (c).

“(e) IMPLEMENTATION.—In implementing strategies to carry out the functions described in subsections (b), (c), and (d), the Director may contract with public or private entities on a national or local level with appropriate expertise.

“SEC. 923. MEDICAL EVENT ANALYSIS ENTITIES.

“(a) IN GENERAL.—The Director, based on information collected under section 922(c), shall provide for the certification of entities to collect and analyze information on medical errors, and to collaborate with health care providers or providers of services in col-

lecting information about, or evaluating, certain medical events.

“(b) COMPATIBILITY OF COLLECTED DATA.—To ensure that data reported to the National Patient Safety Database under section 922(c)(2) concerning medical errors and close calls are comparable and useful on an analytic basis, the Director shall require that the entities described in subsection (c) follow the recommendations regarding a common set of core measures for reporting that are developed by the National Forum for Health Care Quality Measurement and Reporting, or other voluntary private standard-setting organization that is designated by the Director taking into account existing measurement systems and in collaboration with experts from the public and private sector.

“(c) DUTIES OF CERTIFIED ENTITIES.—

“(1) IN GENERAL.—An entity that is certified under subsection (a) shall collect and analyze information, consistent with the requirement of subsection (b), provided to the entity under section 924(a)(4) to improve patient safety.

“(2) INFORMATION TO BE REPORTED TO THE ENTITY.—A medical event analysis entity shall, on a periodic basis and in a format that is specified by the Director, submit to the Director a report that contains—

“(A) a description of the medical events that were reported to the entity during the period covered under the report;

“(B) a description of any corrective action taken by providers of services with respect to such medical events or any other measures that are necessary to prevent similar events from occurring in the future; and

“(C) a description of the systemic changes that entities have identified, through an analysis of the medical events included in the report, as being needed to improve patient safety.

“(3) COLLABORATION.—A medical event analysis entity that is collaborating with a health care provider or provider of services to address close calls and adverse events may, at the request of the health care provider or provider of services—

“(A) provide expertise in the development of root cause analyses and corrective action plan relating to such close calls and adverse events; or

“(B) collaborate with such provider of services to identify on-going risk reduction activities that may enhance patient safety.

“(d) CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.—Notwithstanding any other provision of law, any information (including any data, reports, records, memoranda, analyses, statements, and other communications) collected by a medical event analysis entity or developed by or on behalf of such an entity under this part shall be confidential in accordance with section 925.

“(e) TERMINATION AND RENEWAL.—

“(1) IN GENERAL.—The certification of an entity under this section shall terminate on the date that is 3 years after the date on which such certification was provided. Such certification may be renewed at the discretion of the Director.

“(2) NONCOMPLIANCE.—The Director may terminate the certification of a medical event analysis entity if the Director determines that such entity has failed to comply with this section.

“(f) IMPLEMENTATION.—In implementing strategies to carry out the functions described in subsection (c), the Director may contract with public or private entities on a national or local level with appropriate expertise.

“SEC. 924. PROVIDER OF SERVICES SYSTEMS FOR REPORTING MEDICAL EVENTS.

“(a) INTERNAL MEDICAL EVENT REPORTING SYSTEMS.—Each provider of services that elects to participate in a medical error reporting system under this part shall—

“(1) establish a system for—

“(A) identifying, collecting information about, and evaluating medical events that occur with respect to a patient in the care of the provider of services or a practitioner employed by the provider of services, that may include—

“(i) the provision of a medically coherent description of each event so identified;

“(ii) the provision of a clear and thorough accounting of the results of the investigation of such event under the system; and

“(iii) a description of all corrective measures taken in response to the event; and

“(B) determining appropriate follow-up actions to be taken with respect to such events;

“(2) establish policies and procedures with respect to when and to whom such events are to be reported;

“(3) take appropriate follow-up action with respect to such events; and

“(4) submit to the appropriate medical event analysis entity information that contains descriptions of the medical events identified under paragraph (1)(A).

“(b) PROMOTING IDENTIFICATION, EVALUATION, AND REPORTING OF CERTAIN MEDICAL EVENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law any information (including any data, reports, records, memoranda, analyses, statements, and other communications) developed by or on behalf of a provider of services with respect to a medical event pursuant to a system established under subsection (a) shall be privileged in accordance with section 925.

“(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting—

“(A) disclosure of a patient's medical record to the patient;

“(B) a provider of services from complying with the requirements of a health care oversight agency or public health authority; or

“(C) such an agency or authority from disclosing information transferred by a provider of services to the public in a form that does not identify or permit the identification of the health care provider or provider of services or patient.

“SEC. 925. CONFIDENTIALITY.

“(a) CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.—Notwithstanding any other provision of law—

“(1) any information (including any data, reports, records, memoranda, analyses, statements, and other communications) developed by or on behalf of a health care provider or provider of services with respect to a medical event, that is contained in the National Patient Safety Database, collected by a medical event analysis entity, or developed by or on behalf of such an entity, or collected by a health care provider or provider of services for use under systems that are developed for safety and quality improvement purposes under this part—

“(A) shall be privileged, strictly confidential, and may not be disclosed by any other person to which such information is transferred without the authorization of the health care provider or provider of services; and

“(B) shall—

“(i) be protected from disclosure by civil, criminal, or administrative subpoena;

“(ii) not be subject to discovery or otherwise discoverable in connection with a civil, criminal, or administrative proceeding;

“(iii) not be subject to disclosure pursuant to section 552 of title 5, United States Code (the Freedom of Information Act) and any other similar Federal or State statute or regulation; and

“(iv) not be admissible as evidence in any civil, criminal, or administrative proceeding;

without regard to whether such information is held by the provider or by another person to which such information was transferred;

"(2) the transfer of any such information by a provider of services to a health care oversight agency, an expert organization, a medical event analysis entity, or a public health authority, shall not be treated as a waiver of any privilege or protection established under paragraph (1) or established under State law.

"(b) PENALTY.—It shall be unlawful for any person to disclose any information described in subsection (a) other than for the purposes provided in such subsection. Any person violating the provisions of this section shall, upon conviction, be fined in accordance with title 18, United States Code, and imprisoned for not more than 6 months, or both.

"(c) APPLICATION OF PROVISIONS.—The protections provided under subsection (a) and the penalty provided for under subsection (b) shall apply to any information (including any data, reports, memoranda, analyses, statements, and other communications) collected or developed pursuant to research, including demonstration projects, with respect to medical error reporting supported by the Director under this part.

"SEC. 926. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part, \$50,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years."

SEC. 504. EFFECTIVE DATE.

The amendments made by section 503 shall become effective on the date of the enactment of this Act.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001."

SCHUMER AMENDMENT NO. 3695

(Ordered to lie on the table.)

Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill, H.R. 4577, *supra*; as follows:

On page 27, line 24, before the period insert the following: "Provided further, That in addition to amounts made available under this heading for the National Program of Cancer Registries, an additional \$15,000,000 shall be made available for such Program and special emphasis in carrying out such Program shall be given to States with the highest number of the leading causes of cancer mortality: *Provided further*, That amounts made available under this Act for the administrative and related expenses of the Centers for Disease Control and Prevention shall be reduced by \$15,000,000".

BINGAMAN AMENDMENT NO. 3696

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. MCCAIN, Mr. CONRAD, Mrs. MURRAY, Mr. LEAHY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill, H.R. 4577, *supra*; as follows:

At the end of title III, insert the following:
SEC. ____ CONSTRUCTION AND RENOVATION PROJECTS.

Notwithstanding any other provision of this Act—

(1) the amount made available under this title under the heading "OFFICE OF POSTSECONDARY EDUCATION" under the heading "HIGHER EDUCATION" to carry out section 316 of the Higher Education Act of 1965 is increased by \$6,000,000, which increase shall be used for construction and renovation projects under such section; and

(2) the amount made available under this title under the heading "OFFICE OF POSTSECONDARY EDUCATION" under the heading "HIGHER EDUCATION" to carry out part B of title VII of the Higher Education Act of 1965 is decreased by \$5,000,000.

HELMS AMENDMENT NO. 3697

Mr. HELMS proposed an amendment to the bill, H.R. 4577, *supra*; as follows:

At the appropriate place, insert the following:

SEC. ____ (a) None of the funds appropriated under this Act to carry out section 330 or title X of the Public Health Service Act (42 U.S.C. 254b, 300 et seq.), title V or XIX of the Social Security Act (42 U.S.C. 701 et seq., 1396 et seq.), or any other provision of law, shall be used for the distribution or provision of postcoital emergency contraception, or the provision of a prescription for postcoital emergency contraception, to an unemancipated minor, on the premises or in the facilities of any elementary school or secondary school.

(b) This section takes effect 1 day after the date of enactment of this Act.

(c) In this section:

(1) The terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) The term "unemancipated minor" means an unmarried individual who is 17 years of age or younger and is a dependent, as defined in section 152(a) of the Internal Revenue Code of 1986.

WELLSTONE (AND JOHNSON)

AMENDMENT NO. 3698

Mr. WELLSTONE (for himself and Mr. JOHNSON) proposed an amendment to the bill, H.R. 4577, *supra*; as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. ____ (a) LIMITATION ON USE OF FUNDS FOR CERTAIN AGREEMENTS.—Except as provided in subsection (b), none of the funds made available under this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or on another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials that are conducted by the Department of Health and Human Services with respect to a drug, including an agreement under which such information is provided by the Department to another Federal agency on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug, excluding cooperative research and development agreements between the Department of Health and Human Services and a college or university.

(b) EXCEPTIONS.—Subsection (a) shall not apply to an agreement where—

(1) the sale of the drug involved is subject to a price agreement that is reasonable (as defined by the Secretary of Health and Human Services); or

(2) a reasonable price agreement with respect to the sale of the drug involved is not required by the public interest (as defined by such Secretary).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to any agreement entered into by a college or university and any entity other than the

Secretary of Health and Human Services or an entity within the Department of Health and Human Services.

HARKIN (AND WELLSTONE)

AMENDMENT NO. 3699

Mr. HARKIN (for himself and Mr. WELLSTONE) proposed an amendment to the bill, H.R. 4577, as follows:

On page 60, line 16, strike "\$7,352,341,000" and insert "\$15,800,000,000."

On page 60, line 19, strike "\$4,624,000,000" and insert "\$13,071,659,000."

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 2294, a bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes; S. 2331, a bill to direct the Secretary of the Interior to recalculate the franchise fee owned by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, South Carolina; S. 2598, a bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; and S. Con. Res. 106, a resolution recognizing the Hermann Monument and Herman Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

The hearing will take place on Thursday, July 13, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364, Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224-6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, June 29, 2000. The purpose of this meeting will be to mark up new legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 29, 2000, at 9:15 a.m., in closed session to mark up the Fiscal Year 2001 Intelligence Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 29, 2000, at 10 a.m., in open and closed session to receive testimony on the report of the National Missile Defense Independent Review Team.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, June 29, 2000, at 1 p.m., for a hearing regarding Oversight of Rising Oil Prices and the Efficiency and Effectiveness of Executive Branch Response—Part II.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 29, 2000, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet during the session of the Senate on Thursday, June 29, at 9:30 a.m., to conduct a hearing to receive testimony on pending issues in the implementation of the Safe Drinking Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands be authorized to meet during the session of the Senate on Thursday, June 29, at 10 a.m., to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's Draft Environmental Impact Statement for the Sierra Nevada Forest Plan Amendment, and Draft Supplemental Environmental Impact Statement for the Interior Columbia Basin Ecosystem Management Plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Perma-

nent Subcommittee on Investigations be authorized to meet during the session of the Senate on Thursday, June 29, 2000, 9:30 a.m., for a hearing entitled "HUD's Government Insured Mortgages: The Problem of Property 'Flipping.'"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS HISTORIC PRESERVATION AND RECREATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, June 29, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 134, a bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; S. 2051, a bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; S. 2279, a bill to authorize the addition of land to Sequoia National Park, and for other purposes; S. 2512, a bill to convey certain Federal properties on Governors Island, New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be authorized to meet during the session of the Senate on Thursday, June 29, at 2 p.m., to conduct a hearing to receive testimony on S. 2700, the Brownfields Revitalization and Environmental Restoration Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. JOHNSON. Mr. President, I ask unanimous consent that Sharon Boysen of my office be granted floor privileges for the remainder of the day.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar, nominations en bloc: 560 through 563.

I further ask unanimous consent the nominations be confirmed, the motion to consider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Daniel G. Webber, Jr., of Oklahoma, to be United States Attorney for the Western District of Oklahoma.

James L. Whigham, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Russell John Qualliotine, of New York, to be United States marshal for the Southern District of New York for the term of four years.

Julio F. Mercado, of Texas, to be Deputy Administrator of Drug Enforcement.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 148), to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 148) entitled "An Act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Neotropical Migratory Bird Conservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3)(A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat loss and degradation (including pollution and contamination) across the species' range; and

(4)(A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

SEC. 4. DEFINITIONS.

In this Act:

(1) **ACCOUNT.**—The term "Account" means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) **CONSERVATION.**—The term “conservation” means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of neotropical migratory bird populations;

(B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;

(C) research and monitoring;

(D) law enforcement; and

(E) community outreach and education.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 5. FINANCIAL ASSISTANCE.

(a) **IN GENERAL.**—The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) **PROJECT APPLICANTS.**—A project proposal may be submitted by—

(1) an individual, corporation, partnership, trust, association, or other private entity;

(2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

(3) a State, municipality, or political subdivision of a State;

(4) any other entity subject to the jurisdiction of the United States or of any foreign country; and

(5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) **PROJECT PROPOSALS.**—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

(1) includes—

(A) the name of the individual responsible for the project;

(B) a succinct statement of the purposes of the project;

(C) a description of the qualifications of individuals conducting the project; and

(D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in the United States, Latin America, or the Caribbean;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;

(6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and

(7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) **PROJECT REPORTING.**—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

(e) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of each project shall be not greater than 25 percent.

(2) **NON-FEDERAL SHARE.**—

(A) **SOURCE.**—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

(B) **FORM OF PAYMENT.**—

(1) **PROJECTS IN THE UNITED STATES.**—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.

(2) **PROJECTS IN FOREIGN COUNTRIES.**—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.

SEC. 6. DUTIES OF THE SECRETARY.

In carrying out this Act, the Secretary shall—

(1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;

(2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;

(3) select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and

(4) generally implement this Act in accordance with its purposes.

SEC. 7. COOPERATION.

(a) **IN GENERAL.**—In carrying out this Act, the Secretary shall—

(1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—

(A) facilitating meetings among persons involved in such efforts;

(B) promoting the exchange of information among such persons;

(C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and

(D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) **ADVISORY GROUP.**—

(1) **IN GENERAL.**—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds.

(2) **PUBLIC PARTICIPATION.**—

(A) **MEETINGS.**—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) **NOTICE.**—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) **MINUTES.**—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) **EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 8. REPORT TO CONGRESS.

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.

(a) **ESTABLISHMENT.**—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the “Neotropical Migratory Bird Conservation Account”, which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

(b) **DEPOSITS INTO THE ACCOUNT.**—The Secretary of the Treasury shall deposit into the Account—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Account.

(c) **USE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary may use amounts in the Account, without further Act of appropriation, to carry out this Act.

(2) **ADMINISTRATIVE EXPENSES.**—Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 3 percent or up to \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(d) **ACCEPTANCE AND USE OF DONATIONS.**—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Account to carry out this Act \$5,000,000 for each of fiscal years 2001 through 2005, to remain available until expended, of which not less than 75 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

Mr. ABRAHAM. Mr. President, the Migratory Bird Conservation Act which I introduced with the Minority Leader, Senator DASCHLE, and our late colleague Senator Chafee, is designed to protect the habitat of the over 90 endangered species of migratory birds which spend the spring and summer months in the United States and the winter months in other Western Hemisphere nations.

This will be the third time this bill has passed the Senate. It previously cleared the Senate in 1998 and early 1999, but, until Monday's 384-22 House vote, the legislation was stalled in the other chamber.

Despite taking almost three years, this legislation remains very timely. Many bird species of birds are threatened despite the growing popularity of birdwatching.

Every year approximately 25 million Americans travel to observe birds, and 60 million American adults watch and feed birds at home. According to the Fish and Wildlife Service, bird watching and feeding generates fully \$20 billion every year in revenue across America.

Protecting the various species of birds benefits the nation in a variety of ways. The increased popularity of birdwatching is increasingly reflected in the new tourist dollars being spent in small, rural communities. Healthy bird communities also prevent crop failures and infestations by controlling insect populations, thus saving hundreds of millions of dollars in economic losses each year to farming and timber interests. And yet, despite the enormous benefits we derive from our bird populations, many of them are struggling to survive.

In my own State we are working to bring the Kirtland's Warbler back from the brink of extinction. A few years ago, the population of this distinctive bird has been estimated at approximately 200 nesting pairs. Since then, a great deal of work has been done by

Michigan DNR employees to preserve the Kirtland's Warbler habitat in the Bahamas, where they winter. Thanks in large part to this effort, the number of breeding pairs has recently increased to an estimated 800.

The problem we face in Michigan is simple. Since the entire species spends half of the year in the Bahamas, the significant efforts made by Michigan's Department of Natural Resources and concerned residents of Michigan will not be enough to save this bird if its winter habitat is destroyed. The same story is likely true for at least one bird species in every other state.

Because migratory birds range across a number of international borders every year, we must work to establish safeguards at both ends of their migration routes, as well as at critical stop-over areas along their way. Only in this case can conservation efforts prove successful.

That is why Senator DASCHLE, Senator Chafee, and I introduced the Neotropical Migratory Bird Conservation Act. This legislation will protect bird habitats across international boundaries by teaming businesses with conservation groups, thus combining capital with know-how.

These entities will then partner with local organizations in countries where bird habitat is endangered to help teach the local people how to preserve and maintain their critical natural habitat.

The 5 year demonstration project created by this Act will provide \$5 million each year to help establish cost-sharing, habitat conservation programs in the United States, Latin America and the Caribbean.

This legislation is proactive, avoids complicated and expensive bureaucratic structures and will bring needed focus and expertise to areas now receiving relatively little attention in the area of environmental degradation. And it has wide support in the environmental and conservation communities.

This legislation is endorsed by the National Audubon Society, Ducks Unlimited, the Nature Conservancy, the American Bird Conservancy, Defenders of Wildlife, the American Forest and Paper Association and the Conservation Fund. These organizations agree that establishing partnerships between business, government and nongovernmental organizations both here and abroad can greatly enhance the protection of migratory bird habitat.

I want to thank the distinguished minority leader, my original partner for the past two and one half years, for his hard work and efforts on behalf of this legislation. His involvement and perseverance—long with those of Peter Hanson and Eric Washburn of his staff—helped us overcome a variety of obstacles and pave the way for this bill to become law.

I also want to thank Senator BOB SMITH, Chairman of the Environment and Public Works Committee, for his efforts to move this legislation for-

ward. The continuing commitment of the Senate Environment Committee was essential to bringing this bill to the finish line.

And let me recognize the efforts of Kevin Kolevar of my staff, who began the work on this bill back in February of 1998.

Finally, Mr. President, I want to recognize the efforts of our former colleague and friend, Senator John Chafee, who passed away earlier this year. As chairman of the Environmental Committee, Senator Chafee was a driving force behind this legislation. Senator Chafee and his committee staffer, Jason Patlis, shepherded this bill through the Senate twice.

This legislation is yet another addition to the long list of contributions made by Senator John Chafee to protect our natural resources for generations.

I can think of no better tribute to Senator Chafee than to send this bill to the President with a resounding bipartisan vote by the Senate.

Mr. STEVENS. I ask unanimous consent the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES V. ELLEN ROSE HART

Mr. STEVENS. Mr. President, I now ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 331, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 331), to authorize testimony, document production, and legal representation in United States v. Ellen Rose Hart.

The Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a criminal action in the United States District Court for the Eastern District of California. In a federal indictment, the defendant has been charged with making a false statement on a passport application and possessing a false identification document in violation of federal law.

In connection with the passport application that is the subject of the indictment, the defendant sought constituent casework assistance from the offices of Senator BARBARA BOXER and Senator DIANE FEINSTEIN. At the request of the U.S. attorney who is prosecuting this case, this resolution authorizes employees in both Senators' offices who worked on this constituent casework matter to testify and produce documents at trial, with representation by the Senate Legal Counsel.

Mr. STEVENS. Mr. President, I ask unanimous consent the resolution be

agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 331) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 331

Whereas, in the case of United States v. Ellen Rose Hart, CR-F 99-5275 AWI, pending in the United States District Court for the Eastern District of California, testimony has been requested from Eric Vizcaino, an employee in the office of Senator Boxer, and Monica Borvice, an employee in the office of Senator Feinstein;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Eric Vizcaino, Monica Borvice, and any other employee of the Senate from whom testimony or document production may be required are authorized to testify and produce documents in the case of United States v. Ellen Rose Hart, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Eric Vizcaino, Monica Borvice, and any Member or employee of the Senate in connection with the testimony and document production authorized in section one of this resolution.

MEASURE READ THE FIRST TIME—H.R. 4680

Mr. STEVENS. Mr. President, I understand H.R. 4680 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4680) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

Mr. STEVENS. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the following legislative day.

ORDERS FOR FRIDAY, JUNE 30, 2000

Mr. STEVENS. I now ask unanimous consent when the Senate completes its business today it stand in adjournment

until 9:30 a.m. on Friday, June 30, 2000. I further ask that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4577, the Labor, Health and Human Services, and Education appropriations bill under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I further ask consent that following the votes, Senator DOMENICI be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, on Friday the Senate will resume consideration of the Labor, Health and Human Services, and Education bill at 9:30 a.m. Under the previous order, there will be several votes on the remaining amendments, which include the Wellstone amendment re-

garding drug pricing, the Helms amendment regarding school facilities, the Harkin amendment regarding IDEA, the Baucus amendment regarding the impact aid, any amendment that is not cleared within the managers' package, disposition of the point of order that is pending, final passage of the Labor, Health and Human Services, and Education appropriations bill, and possibly a vote on adoption of the conference report to accompany the military construction appropriations bill.

Mr. President, I hope that "possibly" is not possibly but it is a fact tomorrow.

I do want to say on my own behalf that the enactment of this bill that we have just brought out of conference is absolutely essential to the well-being of the men and women of the armed services of this country. If it is not passed tomorrow and signed by the President before the Fourth of July, there will be severe repercussions in the military services of this country. We have worked day and night to get this bill done, and I congratulate the Members of the House in accomplishing passage of it earlier this

evening. I do encourage our colleagues to remain in the Chamber during the series of votes that will come about in the morning hours tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:30 p.m., adjourned until Friday, June 30, 2000, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29, 2000:

DEPARTMENT OF JUSTICE

DANIEL G. WEBBER, JR., OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA.

JAMES L. WHIGHAM, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

RUSSELL JOHN QUALLIOTINE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

JULIO F. MERCADO, OF TEXAS, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT.

EXTENSIONS OF REMARKS

A TRIBUTE TO DEPUTY SHERIFF JAMES HUNT

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. MCINTYRE. Mr. Speaker, I rise today I pay tribute to Deputy Sheriff James Hunt of my home county—Robeson County—in the great state of North Carolina. Deputy Hunt was recently named National Deputy Sheriff of the Year. Deputy Hunt is the first North Carolinian to receive this award and was chosen from among thousands of applicants. He proudly serves under the outstanding leadership of my friend and my sheriff, Sheriff Glenn Maynor. On September 23, 1998, Hunt was monitoring traffic on Interstate 95 with two other officers. After clocking a car at excessive speed, Deputy Hunt and others chased the vehicle several miles until it stopped. Upon this, one of the officers proceeded to get in the vehicle and a scuffle ensued. Deputy Hunt then ran to the car and pulled the suspect out of the car. At that time, the suspect proceeded to stick a .357 Magnum into Deputy Hunt's chest and pulled the trigger. This bullet proceeded through Hunt and struck one of his colleagues in the thigh. Seconds later, another shot went into Deputy Hunt's chest. At that time, Hunt fell to the ground and crawled to cover his colleague who had been wounded. The suspect was then apprehended.

Fighting for his life every second of the way, Deputy Hunt was taken to the local hospital where he underwent surgery for four hours. After staying in the hospital for three weeks and losing half of his colon and six feet of his small intestines, Deputy Hunt returned home to be with his wife, Lisa.

Mr. Speaker, after such an ordeal, most folks in this situation would probably look for another career or desk job. But not Deputy Sheriff James Hunt. He now works the same beat as he did on that night of September 23, 1998.

President John F. Kennedy once said, "For those to whom much is given, much is required. And when at some future date when history judges us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?"

Robeson County Sheriff Deputy James Hunt will truthfully be able to answer each of these questions in the affirmative! He is indeed a man of courage, judgment, integrity, and dedication. Deputy Hunt, may God's strength, joy, and peace be with you and your family as you continue your service and commitment to your fellow citizens.

IN MEMORY OF MY PERSONAL FRIEND—PATRICIA KRONGARD

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. MCINNIS. Mr. Speaker, it is with profound sadness that I now rise to honor the life and memory of an outstanding American, my friend Patricia Krongard. Sadly, Pat succumbed to lung disease earlier this month after a prolonged medical battle. As family and friends mourn her passing, I would like to pay tribute to this beloved wife, mother and friend. She was a great American who will be missed by many. Even so, her life was a remarkable one that is most deserving of both the recognition and praise of this body.

Since her birth in 1940, Pat has been a fixture of the Baltimore community. Along with her late husband Buzzy Krongard—who amongst other things once served as a counselor to the director of the Central Intelligence Agency—Pat gave generously of her time and energies to the Baltimore community. Her service included founding the Mounted Patrol Foundation to support the mounted patrol of the Baltimore Police Department, organizing the Peabody Institute's springtime fair, serving on the Advisory Board of the State Juvenile Service Administration, and finally, working right up until the time of her death to create a Board of Visitors for the University of Maryland Hospital for Children. These, it turns out, are only a few of the many causes that Pat devoted herself to during her accomplished life. Still, each point to the underlying generosity that marked the life of this humanitarian.

In addition to her distinguished service to the Baltimore community, Pat was also a renowned photographer. Pat traveled around the world, from Afghanistan, Nepal, Russia and China, taking striking pictures of foreign places and people. According to a beautifully written obituary that recently ran in the Baltimore Sun, Pat's photographs "reflected a sympathetic curiosity, with a portfolio of portraits of law enforcement officers across the country and artists around the world." Many of her photographs were displayed at the Johns Hopkins Hospital. In addition, Pat worked closely by my side on the campaign trail on many occasions over the years, shooting an assortment of photographs of me and my family. In every case, her work was the highest quality. Pat's photographic skills brought her great distinction and were rightly a source of pride.

While her accomplishments as a photographer and humanitarian are many, Pat's lasting legacy rests in her family. Pat was the mother of two—Alexander Lion Krongard and Randall Harris Krongard—and the proud grandmother of two more. In her sons and grandchildren, Pat's love and generosity will unquestionably endure.

As you can see, Mr. Speaker, Pat was a beautiful human being who lived an accom-

plished life. Although friends and family are profoundly saddened by her premature passing, each can take solace in the wonderful life that she led.

I know I speak for everyone who knew Pat well when I say she will be greatly missed.

TRIBUTE TO COMMANDER JOHN C. SCORBY—HONORING HIM ON HIS CHANGE-OF-COMMAND

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. MCINNIS. Mr. Speaker, it is a privilege and an honor to have this opportunity to pay tribute to one of the Navy's most well-loved and admired skippers, Commander Jack Scorby, as he celebrates his Change-Of-Command. Commander Scorby has been the embodiment of service, success and sacrifice during his time as the Commanding Officer of Fleet Air Reconnaissance Squadron TWO. He clearly deserves the praise and recognition of this body as he, his officers and squadron celebrate his Change-Of-Command.

If ever there were a person who embodied the spirit and values that make America great, it is Commander Jack Scorby. The Commander has distinguished himself by his exceptional leadership and service to his country as the Commanding Officer of Fleet Air Reconnaissance Squadron TWO from July 1999 to July 2000. The Commander was responsible for the overseas-based reconnaissance squadron comprised of over 450 sailors and 8 aircraft. His squadron was placed on the tip of the spear, providing continuous deployed reconnaissance support to all our U.S. assets. In fact, his area of responsibility covered half the world.

Under his leadership, the VQ-2 flew over 4000 flight hours from sites supporting multiple operations. These include combat flights during Operations Allied Force and Northern Watch, as well as numerous flights during Operations Joint Guardian, Deliberate Forge and Joint Forge. Commander Scorby not only prepared the squadron to be ready to fly the next generation of reconnaissance planes, but also the Commander's forward-thinking game plan put the VQ-2 well-ahead of the power curve, ensuring no interruptions to the nation's reconnaissance support.

As a result of his compassionate and people-oriented leadership, the VQ-2 enlisted retention rate during his tour was 20% above the Navy standard and advancement was one of the highest, at 41%. The VQ-2 also received the top three awards that a command can receive during his command tour. They include: the Battle "E" for overall command excellence, the Golden Wrench Award for maintenance excellence and the Safety "S" for safety excellence. Perhaps one of the most telling effects about the Commander's leadership is how well-respected he is by his squadron; officers and enlisted personnel alike. At

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the squadron Christmas dinner, all-hands spontaneously gave him a standing ovation that lasted over 5 minutes.

As Commander Scorby celebrates his Change of Command, Mr. Speaker, I wanted to take this opportunity to say thank you and congratulations on behalf of the United States Congress. In every sense, Commander Scorby is a great American who deserves the praise and admiration of us all. The Commander is one of the nation's best and an officer we can all be proud of. My thanks to him for a job well done.

THE MOODY TROJANS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to the Moody Trojans, runners-up in the 2000 Texas High School Class 5-A Baseball Championship. While not taking the top spot in the state, this season for "Moody Magic" has been one for the record books.

While the prize proved elusive, the Trojans marched impressively on their journey to the championship game. The team completed the season with a 38-4-1 record, were ranked number one in the state poll, and reached the third highest ranking in the nation.

Moody's fans were as relentless as their team. They cheered the players on, chanting "Moody Magic," blowing horns, yelling, clapping and stomping their feet. Like the Trojans of old, they didn't give up until the battle was done.

Logistics proved to be a part of the game, with rain delays holding up the game from Friday until Monday. The burden of the delays fell directly on the Moody players since their opponents could drive home after each delay, while the Trojans wandered around their Austin hotel.

The season brought forth twin themes for Moody, one of spirituality, and one of inspiration. They drew inspiration from a movie, *The Gladiator*. The certainty that Trojans were warriors and that warriors fought the good fight marked the last three weeks of the season. The foremost theme for the Trojans, however, was one of spirituality. These are warriors with a deep faith.

"Si quieres puedes" (If you want to, you can) was written underneath the bill of a player's cap. This team did indeed want to win. They prayed silently on the field and in the dugout, and looked to a tiny laminated drawing of Jesus Christ in the dugout for motivation.

The Moody Magic was part inspiration and part spirituality that drew this team close. They rose to number three in the nation and number one in the state. They prayed together, won together and lost together; but through it all they kept their faith. While their opponent was awarded gold medals for the championship, they prayed that the experience will make them better people.

These young people have learned the very best lessons sports can teach. They learned that winning is great, but winners on the field are made from teamwork and faith; and winners in life are those who master the fundamentals, never lose their faith, and put their whole effort into every endeavor.

All these young men have learned this lesson, and eight of Moody's seniors will leave for college soon where they will play ball and employ the lessons they learned in the Moody dugout and on the ballfields of Corpus Christi.

I want to include the leadership of the school and the coaches in this victory: Interim Superintendent Sandra Lanier-Lerma, Principal Conrado Garcia, Athletic Director Richard Avilia, and coaches Steve Castillo, Gene Flores, Corky Gallegos, and Allan Lynch.

I ask the House to join me today in commending this outstanding group of young champions from "Moody Magic" who have learned the most important lessons of competition, faith and dignity.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MORAN of Virginia. Mr. Chairman, I rise reluctantly to oppose this bill and the short-sighted cuts it makes to the budgets of the agencies and employees under the Subcommittee's jurisdiction.

This bill shortchanges many of the agencies responsible for local law enforcement, patent and trademarks, advanced technology programs, international peacekeeping, and trade monitoring and compliance. In particular, it severely constrains the operations of the Patent and Trademark Office, which safeguards our nation's intellectual property rights.

At a time when inventions in the fields of science and technology have driven our nation's economy, we should not be cutting back funding for this critical mission. Maintaining a sufficient investment in the PTO is absolutely vital to the future of our economic growth and prosperity.

The Committee's bill also provides insufficient funding to combat the threat of terrorism and withholds \$100 million of our assessments for participation in the United Nations and other international organizations. It cuts the Administration's request for the COPS program by half. It also fails to provide sufficient funding for the Commission on Civil Rights and the Small Business Administration.

In addition, this bill contains some hidden riders that undermine our nation's gun enforcement laws and language undermining the Justice Department's current lawsuit to recover funds from the tobacco industry.

The bill includes a provision for the second straight year that would place a moratorium on using funds in the bill to pay overtime to Justice Department attorneys. The attorneys who work for the Justice Department are some of the most dedicated civil servants anywhere on earth. They must often leave their homes and families for weeks at a time to try cases in dis-

tant parts of the country. They are involved in stressful cases, often involving serious organized crime or complex litigation.

By denying these lawyers compensation for their overtime hours, we are denying them what other attorneys in the Federal government rightfully earn. It is clearly a hypocrisy to have the Justice Department, the very agency tasked with enforcing our laws, attempt to bypass the law to avoid paying overtime compensation to its lawyers who carry out the laws of our nation.

This bill also fails to provide funding for anti-gun violence media campaigns that replicate Richmond's "Project Exile," and does not appropriate money to expand research into "smart gun" technology.

Mr. Chairman, for all these reasons, I urge my colleagues to reject this bill and look for a better approach to funding the agencies in this bill.

IN RECOGNITION OF THE B.B. COMER MEMORIAL LIBRARY, ON RECEIPT OF THE NATIONAL AWARD FOR LIBRARY SERVICES

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. RILEY. Mr. Speaker, it is with great pride and a sense of duty that I rise today to recognize one of the finest institutions in the State of Alabama, and in the United States. The National Institute of Museum and Library Services has established an annual Award for Library Services. In this, the first such year of this award, only four Libraries from across the United States have been selected. One of the Libraries chosen to receive this distinguished award is the B.B. Comer Memorial Library. This Library is located in one of the most viable, vibrant areas in East Central Alabama, a community known as the City of Sylacauga.

The B.B. Comer Memorial Library is a product of the Great Depression in 1936. It has evolved from 250 donated books in the back room of a local bank to a free public library that serves parts of four counties and partners with over thirty organizations.

Libraries are learning centers. They are places where families can seek and find vital information. They are the necessary centerpiece of any public educational system. They are a place where friends meet, greet, and engage in dialogue. Libraries address the educational, medical, and entertainment needs of the communities they serve.

It is with a feeling of honor and pleasure that I stand here today and salute the B.B. Comer Memorial Library. I commend its director, Ms. Shirley Spears, for her dedicated service. I recognize the board members for the leadership they have provided. In addition, I want to tip my hat to the library staff and all the volunteers and thank each one of them for the job they have done. Sylacauga should be proud of what they have built. For what they have built is an award winning Library Institution.

PERSONAL EXPLANATION

HON. NYDIA M. VELAZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Ms. VELAZQUEZ. Mr. Speaker, due to an error by the House Tally Clerk, I was incorrectly shown as voting "no" on Rollcall No. 103, and "not voting" on Rollcall No. 104. I was present during both Rollcall votes and during voting for Rollcall No. 103, I voted "yes", and during Rollcall No. 104, I voted "no". I ask that this statement be entered into the RECORD.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mrs. MYRICK. Mr. Speaker, due to other commitments, I was unable to participate in the following votes. If I had been present, I would have voted as follows: June 22, 2000: Rollcall vote 315, on the Campbell amendment to H.R. 4690, I would have voted nay; rollcall vote 316, on the Hinchey amendment to H.R. 4690, I would have voted nay; rollcall vote 317, on the Scott of Virginia amendment to H.R. 4690, I would have voted nay; and rollcall vote 318, on the DeGette amendment to H.R. 4690, I would have voted nay.

June 23, 2000: Rollcall vote 319, on the Waxman amendment to H.R. 4690, I would have voted nay; rollcall vote 320, on the Davis of Virginia amendment to H.R. 4690, I would have voted nay; and rollcall vote 321, on the Coble amendment to H.R. 4690, I would have voted aye.

INTRODUCING THE RONALD REAGAN RECOGNITION ACT OF 2000

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce the Ronald Reagan Recognition Act of 2000.

Recent news reports indicate that the Interior Department is moving toward a complete moratorium on future memorials in the area known as the Mall in Washington, DC.

Mr. Speaker, we can argue the merits of that proposal, but one thing is clear: Under Article IV of the U.S. Constitution, Congress, not the Interior Department, has the authority to dispose of federal lands. A decision this important, about how, whether, and where American heros are memorialized on federal lands, should be made by, and in consultation with, Congress.

One other thing is very clear: One such American hero, who is deserving of recognition among our great American statesmen, is Ronald Wilson Reagan, 40th President of the United States.

Although President Reagan is, thankfully, still very much alive, he is not well. The scourges of Alzheimer's disease have greatly

diminished his once tremendous mind. I am sure all my colleagues join me in wishing President and Mrs. Reagan long lives and good health. But tomorrow is promised to no one.

We must not stand idly by and wait while the Interior Department eliminates the possibility of a future memorial to President Reagan, robbing future generations of Americans of the opportunity to recognize the tremendous contributions of this great American, and to do so in the midst of the other great Presidents and heros memorialized on the Mall.

We must not stand by and deprive this generation of Americans of the opportunity to honor President Reagan themselves, in this small way.

Mr. Speaker, the Washington Mall is the family album of the American people. It is where their heros are remembered, and where great accomplishments are celebrated. President Reagan is deserving of both honors.

Ronald Reagan is an American hero deserving of recognition by this and future generations of Americans and visitors to the Mall from around the world.

Future visitors to a Ronald Reagan Memorial on the Mall should be reminded that as President, Ronald Reagan initiated policies that won the cold war, protected and restored freedom and Democracy around the globe, lowered taxes on American citizens, tamed the economic threats of inflation and economic stagnation, and ushered in an unprecedented era of peace and prosperity across the nation, and his contributions merit permanent memorialization.

Future visitors to a Ronald Reagan Memorial on the Mall should be reminded that the legacies of President Reagan include restoring faith in our system of Democracy and capitalism, returning pride in being an American, and renewing the honor and decency of the American Presidency, and are deserving of national recognition.

Future visitors to a Ronald Reagan Memorial on the Mall should be reminded that the contributions of former President Reagan, and his status as a pre-eminent twentieth-century American statesman and one of the greatest American Presidents, merit and require a permanent memorialization alongside the other great American leaders memorialized on the Mall in Washington, DC.

To accomplish these goals, this bill requires the Secretary of the Interior to identify appropriate lands within the area designated as section 1 of the Mall in Washington, DC, as the location of a future memorial to former President Reagan, requires identification of a suitable location, and selection of a suitable design, authorizes raising private-sector donations for such a memorial, and creates a commission to assist in these activities.

Money spent on the memorial would be raised from private sector donors. A commission would be created to oversee the process. And a suitable site on the Mall would be selected, and marked as the "Future Site of the Ronald Reagan Memorial."

By statute, the memorial to President Reagan on the Mall will still not occur until 25 years after his death—hopefully long, long in the future. But we must begin the process now, while it is still possible.

Remembering that the policies of President Reagan are responsible for the peace and

prosperity we now enjoy is especially fitting now, while some national political figures are running around the country trying to take credit for the results. I find it a little like the rooster taking credit for the sunrise.

The many benefits of Ronald Reagan's policies of limited government, lower taxes, and a strong national defense are still very evident today. Those policies are why this nation is in the good shape we're in today.

The fact that some people seem to have forgotten this is the strongest argument yet to begin the steps toward creating this memorial.

I can think of no greater tribute, and no more fitting tribute, to a man who has done so much for his nation.

Quite frankly, Mr. Speaker, it is the least we can do.

THE CALLEEN WILDCATS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to the Calallen Wildcats, the 2000 Texas High School Class 4-A Baseball Champions. In a herculean effort in the sixth inning of the final game they came from behind, sending the game into extra innings to win.

In the championship game, they fell behind, rallying to a tie in the sixth inning, sending the game into extra innings before winning the state championship. The young men who won this championship deserve great credit for holding together to bring home this important win. Some of the seniors on this winning team have been playing together since they were 5 years old, so they have been a team longer than most baseball teams have played together.

I am proud of the 4-A champs; these players kissed medals and fought back tears as they savored their win. This was the sixth time in the past eight years that the Wildcats made it to the state's final four teams, but this was the first to come home with the state Class 4-A title.

These young players played and enjoyed this series for themselves, the perfect ending to a season in which the Wildcats first won 38 games, then earned the No. 1 ranking in Texas and finally won a state championship. Calallen is the first South Texas team to win a state championship since Orange Grove claimed the 3-A title in 1994.

These young men didn't just play ball well. They had to be patient for years. They fell short of the title in 1998 and again in 1999, but the third time was a charm. Their game was canceled due to rain Friday. We have had a drought for years in South Texas, and the two other rain delays they sat through seemed pretty cruel. But they never gave up.

But when an opposing hitter grounded out, the Calallen Wildcats at long last became Class 4-A state champions in extra innings. Nothing, including the rain, could dampen the Wildcats fans' excitement. They waited through two rain delays. They stood and cheered the team on, even as rain poured down on the field and stadium.

When the Wildcats won, the joy was palatable as far away as the players' hometown. A WalMart employee got the call that Calallen

had won from a Kingsville manager who attended the game. She immediately made an announcement over the store loudspeaker and shoppers stopped to cheer, clap and wipe tears from their eyes. It was a beautiful moment.

This victory belongs to the entire community. They all pulled together, hoped together, and prayed together and the Calallen Wildcats came back to Corpus Christi as the State Champions. These guys learned the important lesson of knowing that champions must have patience, skill, and heart. They learned that victory comes from within.

I want to include the leadership of the school and the coaches in this victory: Superintendent Dr. James Warlick, Principal Mike Sandroussi, Athletic Director Phil Danaher, and Coaches Steve Chapman, Danny Fogg, Dough Edwards, and Mark Soto.

I ask my colleagues to join me today in offering our congratulations to a team of outstanding young men and outstanding young ball players, the 2000 Texas High School Class 4-A Baseball Champions.

LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong opposition to this bill and the short-sighted cuts it makes to the budgets of the agencies and employees under the Subcommittee's jurisdiction.

There is a lot of smoke and mirrors in this bill. Even with the funding restored by the Manager's amendment, this bill is deficient in many critical areas. The bill's total appropriation is still \$9.8 million less than the current year's appropriation.

It would still leave the Congressional Research Service, an office that every Member of Congress relies upon to serve our constituents, underfunded and ill-equipped to fulfill its mission.

I spoke in strong opposition to this bill when we considered it in the Appropriations Committee because it would have gutted the agencies funded in this bill and resulted in up to 1,700 employees being laid off.

This would mean RIFs and lay-offs of the hardworking men and women who work for the Capitol Police, the Library of Congress, GAO, GPO and the other agencies in this bill. To many of you, these are faceless individuals whose work may not be directly felt.

However, to me, not only are many of these individuals my constituents, but they are also devoted Federal employees who have foregone higher paying jobs in the private sector because they believe in public service. They have families and mortgages and do good

work. They have been subjected to possible RIFs because this Congress wants to provide a tax cut rather than maintain the current funding and cost-of-living adjustment for these agencies.

On another matter, the proposed amendment to establish a lockbox on this bill is a budgetary gimmick. It has the gloss of sounding fiscally responsible, but it actually ties the hands of this Committee and forces irresponsible cuts in order to provide a large tax cut.

Mr. Chairman, I urge my colleagues to reject this bill and look for a better approach to funding the agencies in this bill.

IN RECOGNITION OF THE EXCELLENCE OF ANDERSON HIGH SCHOOL'S NATIONAL ENERGY EDUCATION DEVELOPMENT PROJECT TEAM

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to honor Anderson High School's NEED (National Energy Education Development) Project Team. Anderson High School is in Ohio's Second Congressional District, and its team was recognized as the Senior Level School of the Year by the NEED Project at the 2000 Youth Awards Program for Energy Achievement. The NEED Project is a nonprofit education association dedicated to developing and distributing comprehensive, hands-on energy education programs to schools nationwide. NEED encourages and rewards student leadership by sponsoring a Youth Awards Program for Energy Achievement.

Anderson High School's NEED Project Team was chosen as the Senior Level School of the Year for its outstanding work to promote energy awareness through the design and delivery of objective, multi-sided energy education programs. The team participants are Jayne Everson, Steve Grindle, Matt Radcliffe, David Drabousky, Mike Jurek, and David Zitt. Also fundamental to the team's success are student webmasters William Hawkins III and Martine Lamy and student game designer Brian Huneke. The team, led by its dedicated faculty advisor, Jeff Rodriguez, traveled to Washington, D.C. to receive its award on June 26, 2000.

The work of Anderson High School's NEED Project Team includes: evaluation of energy conservation improvements at its school; research of scientific applications for solar energy; and the presentation of energy education workshops and carnivals at local elementary schools, middle schools, high schools, and colleges and universities.

The team also developed and implemented an outstanding website (www.LearnAboutEnergy.org) to raise energy awareness to thousands of students, educators, and others around the world in classrooms ranging from Australia to Switzerland. The material on its website focuses on objective energy related education for students in middle school. It features games that teach the fundamentals of energy, including "Energy

Jeopardy" and "What's My Name?"; an energy fact of the day; energy discussion boards; greeting cards about energy; and Internet broadcasts.

The website also provides valuable tools for teachers. It offers links to online energy facts and information on how to conserve energy at home; an online textbook; energy lesson plans; quizzes to test students' knowledge of different types of energy; PowerPoint presentations about energy; and contact information for additional teaching resources.

We are very proud of the accomplishments of Anderson High School's NEED Project Team. All of us in the Cincinnati area congratulate these students and their advisor on receiving the Senior Level School of the Year award.

IN SUPPORT OF PASSAGE OF
MEDICARE COVERAGE OF VISION
REHABILITATION SERVICES (H.R.
2870)

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. CAPUANO. Mr. Speaker, I rise today in support of passage of my bill, H.R. 2870, the Medicare Vision Rehabilitation Coverage Act. As Congress considers its health care initiatives, I would like to highlight a proposal that would help over 6 million seniors in the United States receive services necessary for maintaining their independence. The Medicare Vision Rehabilitation Coverage Act would provide access to vision rehabilitation services for Medicare beneficiaries who report some level of vision impairment and would end up saving Medicare funds.

H.R. 2870 would extend Medicare coverage to orientation and mobility specialists, rehabilitation teachers and low vision therapists. These professionals provide critical specialized rehabilitation services to help people with a vision impairment to be able to adjust the loss of sight and carry out normal daily activities. These services can restore a person's independence, improve their quality of life and save unnecessary suffering and expense by preventing injuries.

Vision loss has a powerful impact on one's daily life. It affects an individual's ability to communicate through reading and writing, manage simple household tasks, move around safely and handle medication. In addition, vision that cannot be corrected by medical or surgical intervention or corrective lenses, is a major contributing factor to falls among older adults which can cause hip fractures and other injuries.

The Framingham Eye Study reports that 18 percent of all hip fractures in the elderly are a result of vision impairment. This year alone, it is estimated that 63,000 hip fractures will occur due to vision loss. The cost incurred for the medical treatment of a hip fracture is \$35,000. Therefore, the total estimated cost of medical treatment for hip fractures this year alone is \$2.2 billion. Conservative estimates illustrate that 20% of these hip fractures could have been prevented if elderly persons suffering from vision impairment had access to vision rehabilitation services. This would save

\$441 million annually for the federal government.

Savings to Medicare also occur by reducing the need for in-home and nursing home care. By providing the skills and services to those with vision impairment, Medicare promotes quality of life and independence for the individual. I know first-hand, the cost factors and emotional strain related to the loss of independence and need for additional health care services due to vision impairment. My mother, who suffers from vision impairment, benefited tremendously from the rehabilitation services provided by the Greater Boston Aid to the Blind.

Studies by the National Center for Health Statistics and others find age-related visual impairment to be second only to arthritis/rheumatism as a cause of disability. In addition, the Alliance for Aging Research found visual impairment as one of four conditions leading older citizens to lose their independence. Medicare must provide its beneficiaries with the ability to live a normal life. Please join me and nearly 80 other cosponsors in this effort by including vision rehabilitation professionals in Medicare reform legislation.

DEPARTMENTS OF COMMERCE,
JUSTICE, AND STATE, THE JUDICIARY,
AND RELATED AGENCIES
APPROPRIATIONS ACT, 2001

SPEECH OF

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. ABERCROMBIE. Mr. Chairman, I would like to thank Chairman YOUNG, Ranking Member OBEY, Subcommittee Chairman REGULA, Ranking Member SERRANO, and the other Members of the Commerce, Justice, State, and the Judiciary Appropriations Subcommittee and Appropriations Committee for their obvious hard efforts in producing H.R. 4690. I have strong reservations about the funding cuts that the bill imposes on the National Oceanographic and Atmospheric Administration. The bill funds NOAA at a level 61 percent below the Administration's request and could result in the elimination of 1,000 NOAA jobs. If this happens, it will have a devastating effect on the critical research, fisheries management, water quality, and community-based educational programs which are absolutely necessary to our country's vitality and continued strength.

Mr. Chairman, this country is witnessing the largest federal government surplus in history. I believe that part of this money should be returned to the American people. I believe that we should be investing part of the surplus in America's future. NOAA plays an essential role in the lives of all Americans. From issuing weather forecasts to managing our nation's ocean and living marine resources, NOAA contributes significantly to the nation's economic and environmental health. Nearly one

out of every six jobs is marine-related and one-third of our Gross Domestic Product is produced in ocean and coastal areas.

I am particularly upset that the Committee has chosen to cut all funding, \$16 million requested by the Administration, for coral reef research and conservation efforts. Coral reefs truly are the "rainforests of the oceans." There have been many concerted efforts by the Administration, Congress, states, and local communities to protect and safely manage corals. Since the release by the Coral Reef Task Force of its National Action Plan in March, NOAA and its Federal, state, territorial, and local partners have moved forward to improve our protection of these valuable and fragile areas. I am presently involved in bipartisan legislation that will contribute to the effective stewardship of coral reefs. NOAA is an important partner in the process, since many corals fall within its purview. All of the efforts supported by NOAA will be terminated at the proposed funding level, and threaten to harm the ecological and economic stability in our nation's waters where corals reside.

Mr. Chairman, some may ask whether we can afford, or even need, all the services that NOAA provides. However, at a time when there is an even greater need for accurate weather information to protect the lives of our people and the well-being of our agricultural communities, at a time when our fisheries are at risk, at a time when development is booming in coastal communities, and at a time when we have the additional financial resources, I ask, how can we afford not to provide the Administration's request for NOAA, which has the capability to provide the expertise which is so vitally important to the continued stewardship of our marine resources? NOAA has been a valuable federal partner in contributing to our nation's economic potency by providing the knowledge required for effective stewardship of our coastal resources. Investing in NOAA will ensure we can continue to safely conserve our coastal and oceanic resources for generations to come. I sincerely hope that these concerns will receive consideration when the House goes to conference with the Senate on H.R. 4690.

LEHIGH VALLEY HERO JOHN
FINNEGAN, JR.

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. TOOMEY. Mr. Speaker, today I rise to pay tribute to one of my constituents, Mr. John Finnegan, Jr. Mr. Finnegan, who only moved to the Lehigh Valley four years ago, has displayed an extraordinary dedication to the people of his community. The Director of Consulting Services at Dun and Bradstreet, Mr. Finnegan serves as a member of the Board of Supervisors of Hanover Township, Northampton County. He has served as the chief fund-raiser for the township's bicentennial committee, and on its parks and recreation board. His hard work and diligence have made a tremendous difference in the life of his community.

In addition to his civic and corporate involvement, Mr. Finnegan's personal actions also serve as a model for others to follow. He

has been a coach for Little League baseball and hockey leagues, serving as a role model and mentor to the youth of the Lehigh Valley. Coordinator for his neighborhood crime watch, Mr. Finnegan has become an invaluable resource to the constituents of my district in the short time he has lived there. I applaud Mr. Finnegan for his devotion to the Lehigh Valley community. John Finnegan is a Lehigh Valley Hero.

HONORING WILLIAM G. TERRELL—
NEW JERSEY UAW CAP DIRECTOR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PALLONE. Mr. Speaker, it is my great pleasure to rise today to honor a man who has spent the last 35 years of his life representing the interests of working men and women in the State of New Jersey.

William G. Terrell, Friday, retires as UAW International Representative Community Action Programs (CAP) Director for the State of New Jersey.

For the last several decades, Bill Terrell has spent a majority of his time improving the quality of life for thousands of workers in the State of New Jersey. Throughout his career in organized labor, Mr. Terrell has held numerous positions within the UAW, culminating with his current position as CAP Director since 1985.

Bill Terrell has been a tireless advocate on behalf of autoworkers throughout the State of New Jersey, as well as the nation as a whole. He has played an active role in UAW contract negotiations, workplace safety and ensuring New Jersey's automobile plants continue production in our State. He is a constant supporter of organized labor and works extremely hard to ensure that all workers have a voice.

With Bill Terrell's retirement, the NJ UAW is losing a worker, a family man, and a leader. I want to offer Mr. Terrell my congratulations and thanks for his outstanding career of service. It is with men like Bill Terrell that our nation's labor movement is such a huge success. He will be sorely missed.

THE HISTORIC SUMMIT OF THE
TWO KOREAS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. GILMAN. Mr. Speaker, today I congratulate South Korean President Kim Dae-jung in the aftermath of the historic summit. This is an historic moment and holds a glimmer of promise for the Korean people and for peace and stability in Northeast Asia. This is a watershed event in the history of Korea and will hopefully lead to a significant reduction in tensions on the peninsula.

According to media coverage, the summit has already produced potentially significant results. The two leaders reportedly have reached an understanding in the following four areas:

Social and economic cooperation, including South Korean investment in North Korea;

The easing tensions between the two Koreas;

Steps toward the reunification of families; and

The eventual reunification of the peninsula.

I look forward, as we all should, to viewing the details that accompany these understandings with real hope that the two Koreas are on a path toward true and lasting peace. While this summit is only a first step, I am pleased and encouraged by its apparent success. I urge the leaders of North and South Korea to remain committed to this historic process that they have initiated.

Finally, Mr. Speaker, let me close by quoting from President Kim's airport speech in Seoul. Before he boarded the plane for Pyongyang, he said:

I want to embark on the trip with a heart burning with love for our people and a calm attitude so that I can look straight at reality. I hope that it will be a turning point in efforts to remove threats to war and terminate the Cold War . . . so that 70 million Korean people in the north and south can live in peace.

Mr. Speaker, we hope that President Kim is correct and I invite my colleagues to join in wishing him success in this important endeavor.

RECOGNIZING WORLD IMPACT, INC.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Fresno Chapter of World Impact, Inc. for their effect on the Fresno Community.

World Impact is a nationwide, interdenominational, Christian discipling and church-planting ministry dedicated to ministering God's love in the inner cities of America. The organization nurtures urban disciples who will join in teaching others the gospel. World Impact, Inc. also develops indigenous disciples of Christ in the inner city through ministry to children, teenagers and adults who are committed to Christ and to making Him known to others.

Currently, the Fresno Chapter shares the gospel of Jesus Christ in five ministry areas in Fresno, California. They minister to about 250 children and 40 teenagers weekly from these areas and also hold Bible studies for adults. In addition to their five ministry areas, they also have a community center, which includes a gymnasium, recreation rooms, a kitchen, offices, and classrooms. The community center offers Bible classes year round, as well as other community activities.

Mr. Speaker, I want to recognize the Fresno chapter of World Impact, Inc. for their contributions to the community, and I urge my colleagues to join me in wishing the organization many more years of continued success.

CONGRATULATIONS TO GAIL NAUGHTON, PH.D., INVENTOR OF THE YEAR

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. CUNNINGHAM. Mr. Speaker, today I congratulate my constituent, Gail Naughton. Today, the Intellectual Property Owner's Association will name Dr. Naughton Inventor of the Year. As the first individual woman to win this award, Dr. Naughton is being honored for the process she invented to produce human tissues and organs outside the human body.

Traditionally, growing cells in a laboratory consisted of placing cells on a flat surface with a growth medium. In this process, cells behaved differently than their natural counterparts. Dr. Naughton's invention utilizes stroma cells, which are the cells that form the surrounding matrix of the tissue. Using a three-dimensional scaffolding, which is placed in a specially designed "bioreactor", Dr. Naughton was able to simulate the body making it possible for cells to form a tissue matrix that was virtually undistinguishable from those found in nature. Dr. Naughton's pioneering work in tissue engineering has defined a new industry dedicated to helping the millions of people who suffer tissue loss or end-stage organ failure. In addition, cartilage, heart tissue and other organs can be bioengineered with this unique human-based technology, which has the potential of addressing the significant shortage of world wide donor organs.

Dr. Naughton is the co-founder and President and Chief Operating Officer of Advanced Tissue Sciences, Inc. in La Jolla, California where she has developed product technology to help patients and to respond to the growing need for transplant tissues and organs. A mother of three, she received her MS in histology in 1978 and Ph.D. in 1981, both from NYU. She has been published extensively in the field of tissue engineering and is the holder of 26 U.S. patents. Through the Advanced Tissue Sciences, Dr. Naughton has produced various therapeutic products such as Transcyte™, which is used to treat second and third degree burns, and Dermagraft®, which is used for the treatment of diabetic foot ulcers. These products represent advancements in bioengineering, manufacturing, and cytopreservation in an emerging industry.

Dr. Naughton is also on the advisory boards of the Department of Bioengineering at Johns Hopkins University and Georgia Institute of Technology, and is a member of the industrial liaison board at the University of California, San Diego, the Georgia Institute of Technology, MIT, and the University of Washington. She is also a member of the board of Directors of Scripps Bank in La Jolla, California, the San Diego Burn Institute and the Charles H. and Anna S. Stern Foundation. In 1999, she received a "Woman Who Mean Business" award from the San Diego Business Journal.

Gail Naughton deserves our congratulations for this tremendous achievement. I know that she is proud of her accomplishments, and I am proud to have her as my constituent.

SEVERE SHORTAGE OF APPROVED ANIMAL DRUGS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PICKERING. Mr. Speaker, I rise today in order to bring attention to a problem faced by livestock and food animal producers, animal and pet owners, zoo and wildlife biologists, and the animals themselves, which unfortunately goes largely unnoticed except by those who are directly affected.

There currently exists a severe shortage of approved animal drugs for use in minor animal species. These minor animal species include animals other than cattle, horses, chickens, turkeys, dogs, and cats. In addition, there also exists a similar shortage of drugs and medicines for major animal species for diseases that occur infrequently or which occur in limited geographic areas. Due to the lack of availability of these minor use drugs, millions of animals go either untreated or treatment is delayed. This results not only in unnecessary animal physical and human emotional suffering but may threaten human health as well.

Because of limited market opportunity, low profit margins involved, and enormous capital investment required, it is generally not economically feasible for drug manufacturers to pursue research and development and then approval for drugs used in treating minor species and infrequent conditions and diseases.

In addition to the animals themselves, without access to these necessary minor use drugs, farmers and ranchers also suffer. An unhealthy animal that is left untreated can spread disease throughout an entire stock of its fellow specie causing severe economic hardship to struggling ranchers and farmers.

For example, Mr. Speaker, sheep ranchers lost nearly \$45 million worth of livestock alone in 1999. The sheep industry estimates that if it had access to effective and necessary drugs, growers' reproduction costs for their animals would be cut by up to 15%. In addition, feedlot deaths would be reduced to 1–2% adding approximately \$8 million of revenue to the industry.

The catfish industry, a top agriculture industry in my home state of Mississippi generating enormous economic opportunity in the State, especially in the impoverished Mississippi Delta, estimates its losses at \$60 million per year attributable to diseases for which drugs are not available. The U.S. aquaculture industry overall, including food as well as ornamental fish, produces and raises over 800 different species. Unfortunately, this industry has only 5 drugs approved for use in treating aquaculture diseases resulting in tremendous economic hardship and animal suffering.

Mr. Speaker, joined with my colleagues Mr. HALL of Texas, Mr. COMBEST of Texas, Mr. STENHOLM of Texas, and Mr. POMBO of California, I resolve to correct this unfortunate situation by introducing the Minor Animal Species Health and Welfare Act of 2000. This legislation will allow pharmaceutical companies the opportunity to develop and approve minor use drugs which are vitally needed by a plethora of animal industries. Our legislation incorporates the major proposals of the FDA's Center for Veterinary Medicine to increase the availability of drugs for minor animal species

and rare diseases in all animals. The Animal Drug Availability Act of 1996 required the Food and Drug Administration (FDA) to provide Congress with a report, describing administrative and legislative proposals to improve and enhance the animal drug approval process for minor uses and minor species of new animal drugs. This report by FDA, delivered to Congress in December 1998, laid out nine proposals. Eight of FDA's proposals required statutory changes. The bill my colleagues and I introduce today reflects the changes called for in FDA's minor species/minor use report. The Act creates incentives for animal drug manufacturers to invest in product development and obtain FDA marketing approvals. Furthermore, it creates a program very similar to the successful Human Orphan Drug Program that has, over the past 20 years, dramatically increased the availability of drugs to treat rare human diseases. Mr. Speaker, besides providing benefits to livestock producers and animal owners, this measure will develop incentives and sanctioning programs for the pharmaceutical industry while maintaining and ensuring public health.

The Minor Animal Species Health and Welfare Act is supported by the Food and Drug Administration, the American Farm Bureau Federation, the Animal Health Institute, the American Veterinary Medical Association, and virtually every organization representing all genres of minor animal species. Mr. Speaker, this is vital legislation which is needed now. This Act will alleviate much animal suffering, it will promote the health of minor animal species while protecting and promoting human health, it will benefit pets and promote the emotional security of their owners, benefit various endangered species of aquatic animals, and will reduce economic risks and hardships to farmers and ranchers. This is common-sense legislation which will benefit millions of Americans from farmers and ranchers to pet owners. I call on all my colleagues in this House to support the Minor Animal Species Health and Welfare Act of 2000.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SMITH of Washington. Mr. Speaker, on Friday, June 23, I was unable to vote because of family issues. Had I been present, I would have voted: "Aye" on the Waxman amendment to H.R. 4690; "Aye" on the Davis amendment to H.R. 4690; "Aye" on the Coble amendment to H.R. 4690.

EARTHQUAKE IN TURKEY

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SENSENBRENNER. Mr. Speaker, on June 6, the citizens of Turkey were once again reminded that the ground beneath them is not always stable. An earthquake, which registered 5.9 on the Richter scale, shook the Cankiri province in Central Anatolia, but its re-

verberations were felt in Ankara, Bolu, Duzce, Kirikkale, Corum and Kastamonu. There were at least three casualties, and 81 people injured, and considerable damage to buildings nearby.

I visited Turkey last January, after it had experienced significant, earthquakes in August and November of 1999 resulting in the death of more than 17,000 people and the estimated loss of property of \$40 billion. The Turkish people impressed me with their resilience and strength. Individuals from all walks of life rallied to assist those that had been less fortunate.

This latest earthquake is another example of the difficult task ahead for the Turkish Government and its people. The good news is that some of the world's foremost scientists in both Turkey and the U.S. have been studying the Anatolian fault, which runs east to west along the length of Turkey. This cooperation between our two nations has not only led to an increased understanding of the potential earthquake dangers in Turkey but also in the United States.

Unfortunately, most earthquake experts suspect that another severe earthquake will hit Turkey in the next two decades. The earthquake is likely to hit near Istanbul along the Anatolian fault. Such a quake is likely to be devastating. More needs to be done to prepare for this eventuality.

The Turkish Daily News reported that the Turkish government, which was criticized for being late to take measures after the 1999 earthquakes, was prompt to reacting to the June 6 quake. Officials said that with the lessons they had learned from the previous disaster, they were well organized and fulfilled their promise to send immediate help to the region.

I hope this portends well for the future. Dealing with the destructive power of earthquakes—as Turkey and so much of the World has discovered—is something that requires immense advance planning.

By continuing to work together, U.S. and Turkish scientists can help by increasing our understanding of the phenomena, enabling generalized predictions and improved building design. I look forward to continuing this close working relationship between U.S. and Turkish scientists.

During this difficult and challenging period, our hearts and thoughts are with the citizens of Turkey. Working together, I hope we can reduce the pain of these terrible earthquake tragedies.

IN TRIBUTE TO R. LEE TAYLOR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. WOLF. Mr. Speaker, today I honor a man whose genius has touched many people in the Shenandoah Valley of Virginia and who, with the establishment of the Glass-Glen Burnie Museum, will continue to touch the lives of all Americans for centuries to come.

In 1952, R. Lee Taylor was brought to Winchester, Virginia by his friend and employer Julian Wood Glass, Jr. to assess the state of Glass's ancestral home, Glen Burnie, which had been built by Winchester's founder, Colo-

nel James Wood. Lee Taylor was charged with the restoration of the historic house and the creation of a landscape plan to enhance the site. By the time of his death in May, the landscape plan had been realized. Today, the 25 acres of expansive lawns and 14 individual gardens surrounding the 18th century house stand as testimony to Lee Taylor's vision, determination and hard work.

For the last three years of his life, Lee Taylor participated in the transition of Glen Burnie from private home to public institution. Since opening in 1997, tens of thousands of people have visited the site now known as "Glen Burnie, Historic House, Gardens & Julian Wood Glass, Jr. Collection." In the last days of his life, Mr. Taylor participated in the selection of renowned architect Michael Graves to design a new museum to be built on the property in celebration of the Shenandoah Valley. Called the "Museum of the Shenandoah Valley," the new facility will interpret the region's history, art and culture and tell how, over three centuries, people have made their home in the Shenandoah Valley scheduled to open in 2003.

Lee Taylor's talents were not limited to horticulture. He was nationally known as the creator of miniature houses and rooms. His genius had been recognized in articles in *Nutshell News* and *Treasures in Miniature*. Mr. Taylor bequeathed more than one dozen miniatures to the new Museum of the Shenandoah Valley.

Mr. Taylor was a champion of preservation in the northern Shenandoah Valley. He served on the governing board of Belle Grove, the National Trust for Historic Preservation site in Middletown, Virginia. He was a charter board member of Preservation of Historic Winchester. Both of these organizations recognized Mr. Taylor's contributions with special awards. Mr. Taylor also served on the Winchester-Frederick County Historic Resources Advisory Board as well as the Community History Advisory Board of Shenandoah University.

Lee Taylor will be remembered as a truly gentle man. When not helping others, he could generally be found in his garden. He was always generous with his time and horticultural knowledge—encouraging even the most timid novice gardener to turn the first spade of dirt, to plant the first seed.

Today, because of Lee Taylor's vision, Glen Burnie is a peaceful refuge for all who visit.

Mr. Speaker, today I pay tribute to R. Lee Taylor as Glen Burnie's first Curator of Gardens and creator of an experience of uncommon beauty. Lee Taylor took a seed and planted it, and all that has grown will enrich our lives for many years to come. In his honor, I encourage all to go to Glen Burnie in Winchester, Virginia and to discover the magic of the gardens that Lee Taylor created.

TRIBUTE TO FBI SPECIAL AGENTS RONALD A. WILLIAMS AND JACK R. COLER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. OXLEY. Mr. Speaker, twenty-five years ago last Monday, FBI Special Agents Ronald A. Williams and Jack R. Coler were mercifully gunned down on South Dakota's Pine

Ridge Reservation. The agents were pursuing a fugitive on June 26, 1975; one of the three people in the vehicle the agents were tracking was Leonard Peltier. A fugitive from justice wanted for attempted murder, Peltier and his associates abruptly emerged from their vehicle and opened fire on the agents. Williams and Coler were shot point blank in the head, and died instantly. Peltier was captured after several months, and now serves two consecutive life sentences at Leavenworth.

Time and again, Peltier rightly has been denied parole for his heinous crimes, most recently just two weeks ago. Each of his appeals has failed. Even after a quarter century, and amid the constant barrage of liberal Hollywood actors glorifying this murderer, the American people have not forgotten Peltier's fatal assaults. Leonard Peltier slaughtered two young FBI special agents at the beginning of their careers, for which he deserves to spend the remainder of his life in prison.

As a fellow former FBI special agent, I am honored today to recognize the supreme sacrifice of Ronald A. Williams, age 27, and Jack R. Coler, age 28. These slain heroes gave their lives in defense of justice for all. I join law enforcement officers throughout the nation in saluting their memories on this day. Their fidelity, bravery, and integrity live on in their comrades.

I commend to my colleagues' attention the following statement by FBI Director Louis Freeh.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC June 26, 2000.

STATEMENT OF FBI DIRECTOR LOUIS J. FREEH

On behalf of the men and women of the FBI, and in memory of all who have lost their lives in the line of duty, I would like to observe the 25th anniversary of the brutal slaying of Special Agents Ronald A. Williams and Jack R. Coler.

Twenty-five years ago today, these two outstanding Special Agents of the FBI were summarily executed by a gunman in South Dakota. Ron Williams and Jack Coler had been searching for a robbery suspect near Pine Ridge on 6/26/75 when they were shot from a distance of 250 yards. They were grievously wounded and on the ground when the killer approached and shot them, one after the other, at point blank range, through their faces.

The FBI cannot forget this cold blooded crime, nor should the American people. I was a new Special Agent, still in training school, when this horrific crime was enacted. Its cold blooded disregard for law and order ensured that it would never be forgotten, its criminal nature never obscured.

In February 1976, Leonard Peltier was arrested and charged with the murder of these two agents. The evidence was unarguable and conclusive. On 4/18/77, he was found guilty of the first-degree murders of Williams and Cofer and sentenced on 6/1/77 to two consecutive life terms. All his many appeals to the U.S. Court of Appeals for the Eighth Circuit have failed. The Supreme Court of the United States has twice denied Peltier's petitions for review of his case. Most recently, on 6/12/2000, his parole board held its regular 2-year statutory review of the case, pending the full hearing it is required to hold in 2008. Once again, parole for Leonard Peltier was not recommended. It is a testament to the American judicial system and the American people that 25 years have not been able to erase or soften the facts of the case. The rule of law has continued to prevail over the emotion of the moment, the

cornerstone attribute of our criminal justice system.

The men and women of the FBI—and law enforcement officers everywhere—put their lives on the line on a daily basis to protect the American people. They, with me, would like to remind the nation of the fidelity, bravery, and integrity of Agents Williams and Coler who 25 years ago today lost their lives but not their places in our hearts.

A TRIBUTE TO CONANT HALSEY FOR 47 YEARS OF MUSICAL EXCELLENCE AT THE REDLANDS BOWL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. LEWIS of California. Mr. Speaker, I would like today to call your attention to nearly five decades of dedication to music and love of community by Mr. Conant K. Halsey, who has guided the Summer Music Festival of the Redlands Bowl through decades when many local concert series declined—and has helped make it into a regional event attended by 100,000 people each year.

The Redlands Bowl Summer Music Festival was created in 1924 by founder Grace Stewart Mullen, and is the nation's oldest continuing outdoor concert series that has never charged admission. Thanks in large part to the financial expertise of Conant Halsey, the festival has also never asked for government funding for operations—it has survived and prospered entirely on the donations and volunteer work from those who love good music in the surrounding communities.

Halsey, a stockbroker who came West for his health, joined the board of the Redlands Community Music Association in 1953, and took over as chairman when Grace Mullen died in 1967. Under his guidance, the association created an endowment fund that is now self-sustaining—the festival only uses income, not principal. When he joined the board, the annual budget was \$50,000—now it is \$317,000.

In a white dinner jacket and bow tie, Conant Halsey has been a fixture at many of the 940 concerts he has helped stage in the past 47 years. He has made the announcements, led children in the Pledge of Allegiance, and greeted visitors from other states and foreign countries.

Mr. Chairman, the City of Redlands is known for its grace and appreciation of culture in no small part because of the continuing success of the Redlands Bowl summer concerts. After 47 years of helping guide that dedication to excellent music, Conant Halsey is retiring from the board on June 30 at the bowl's first concert of the 21st Century. I ask you and my colleagues to please join me in offering our congratulations on this tremendous accomplishment, and wish Mr. Halsey well in years to come.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

Mr. WELLER. Mr. Chairman, I rise today to give my strong support to H.R. 4733, the Energy and Water Development Appropriations Act of 2001. The legislation supports two important priorities, the restoration of the Kankakee River and the construction of the Tunnel and River Project.

The Energy and Water Development Appropriations Act of 2001 provides resources to continue environmental cleanup and restoration of the Kankakee River, a critical habitat for wildlife and one of Illinois' greatest treasures. For years, the Kankakee River has been choked by sand and sedimentation. This legislation continues the funding of studies to cleanup the River and solve its problems.

Mr. Chairman, I am especially pleased that the Appropriations Committee has provided \$600,000 for the ongoing Army Corps of Engineers Feasibility Study of the Kankakee River and \$300,000 for the State Line Sand Removal Project. The goals of these projects will be to restore the natural hydrology and aquatic habitat back to the river, the removal of excessive sand buildup, the restoration of adjacent wetlands, and the reintroduction of native mussels into their natural habitat. The cleanup and restoration of the Kankakee River deserves high priority; the legislation before us today recognizes the importance of this project.

Additionally, the Committee awarded \$7.8 million for the construction funding for the McCook and Thornton Reservoir projects of the Metropolitan Water Reclamation District of Greater Chicago. The McCook and Thornton Reservoirs are part of the Chicago Underflow Plan, a comprehensive flood protection and water quality protection plan for the Chicago metropolitan area.

Mr. Chairman, this system has been enormously effective in achieving its goals as evidenced by the elimination of 86 percent of combined sewage pollution in a 325 square mile area. The result of this progress is the dramatic increase in water quality of the Chicagoland waterways and the protection of Lake Michigan, our drinking water source. 131,000 home owners rely on the continued construction of the "Deep Tunnel" flood relief and clean water project. This appropriation will add to the \$30 million already appropriated for flood relief in the South Suburbs and will eventually produce \$104 million in savings and benefits annually.

Mr. Chairman, I commend the hard work of Chairman PACKARD and Chairman YOUNG and urge my colleagues to support this good legislation.

AMENDING INTERNAL REVENUE CODE TO REQUIRE 527 ORGANIZATIONS TO DISCLOSE POLITICAL ACTIVITIES

SPEECH OF
HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. CASTLE. Mr. Speaker, tonight the House of Representatives has the opportunity to ensure that meaningful campaign finance reform is passed in time for this year's election. H.R. 4762 is the campaign finance bill with the best chance to pass both Chambers and be signed into law that has reached the floor in years. Last week, when I testified before the Ways and Means Committee, I said that I would help lead the fight to pass legislation that would rein in the section 527 groups if the House could not pass more comprehensive disclosure legislation. I will do so tonight. In this case, we cannot afford to make the perfect the enemy of the good.

Section 527 organizations, set up under section 527 of the Tax Code, are established to engage in political activities, which influence our political process by funding election-related communications without having to disclose their donors. H.R. 4762 is needed because current campaign laws are wholly unable to adequately regulate the torrent of political advertising by groups exploiting this loophole in both our tax and election laws. Huge sums of money are being spent to influence the election system. While spending by individuals has been protected by Supreme Court rulings and the problem of soft money continues because a lack of will by Congress to address it, we now have a troubling new trend in campaign finance spending by groups operating under unique designations in our tax code such as section 527.

While I would have liked to cover more groups engaging in electioneering communications, I am pleased that we will have the opportunity to pass significant legislation that will tackle the 527 stealth political organization problem. I worked very hard with my colleagues in both the House and Senate to develop broader legislation. I extend my thanks to Senators MCCAIN, SNOWE, LIEBERMAN, and FEINGOLD, and Representatives HOUGHTON, SHAYS, GRAHAM, MEEHAN, and DOGGETT for their efforts. We explored many possible alternatives, and I believe that we have laid the groundwork for further legislation in this area.

Tonight we will vote on H.R. 4762, language taken from Senator JOHN MCCAIN's legislation, which has already passed the Senate. This legislation requires section 527 organizations, that have gross receipts of more than \$25,000 dollars, to disclose their top donors. Whether or not we agree with the message of any advertisement campaign, I hope we can agree that voters have the right to know who is paying for any campaign-related ad and who is trying to influence their vote. Our Constitution protects every American's right to be heard. Yet today, more than ever, voters are faced with new-style political organizations, operating free from coverage by Federal election law, that are spending millions on campaign ads without having to disclose their donors. The 2000 general election cycle is fast approaching and section 527 political groups are expanding at a rapid pace and could be a dominant force in the 2000 election.

I am convinced this bill will curb some of the most blatant abuses, and will allow the public

to know who is supporting these groups that are now operating behind a veil of secrecy. I urge you to join me in supporting H.R. 4762 in an effort to restore integrity to our election process and return the election process to the American people. It is a real step forward, and we should take it.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES/ APPROPRIATIONS ACT, 2001

SPEECH OF
HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. NETHERCUTT. Mr. Chairman, I have discussed with the gentleman from Kentucky the fact that the National Marine Fisheries Service (NMFS) is conducting an economic mitigation study associated with the Lower Snake River in my congressional district. In addition, NMFS may direct the Corps of Engineers to conduct an engineering study on how to breach the dams.

Language addressing Corps funding for such a study is included in H. Rept. 106-693, the report accompanying the Fiscal Year 2001 Energy and Water Development Appropriations Bill (H.R. 4733). The report states, "The amount provided for the Columbia River Fish Mitigation program does not include funds for engineering and design, or other post-feasibility phase activities, associated with breaching Lower Snake River dams." It is my understanding that it is the intent of the Commerce, Justice, and State, the Judiciary, and Related Agencies subcommittee that no funds are included for NMFS for engineering and design, or other post-feasibility phase activities including economic mitigation studies associated with breaching the Lower Snake River dams.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF
HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. ROGERS. Mr. Chairman, the National Marine Fisheries Service (NMFS) has yet to release its biological opinion for the Lower Snake River. Ultimately, it will be the Congress that decides whether to breach the Snake River dams. The amount provided in H.R. 4690 does not include funding for engineering and design, or other post-feasibility phase activities including economic mitigation studies, associated with breaching the Lower

Snake River dams. I appreciate the Gentleman's concerns on this matter, and thank him for bringing this issue to my attention.

SUPPORT FOR GAMBIA

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, today I show of friendship and support for the African continent. During the December recess, I visited the West African nation of the Gambia with several of my colleagues and discovered a country full of hope and motivation for advancing their country's welfare and future potential. In light of this body's efforts to pass legislation that would increase and better our economic relationship with the African continent, I was deeply impressed and my hope for Africa buoyed by the dynamism I saw in Gambia's duty-free import zone and its booming tourist industry.

In this regard, I would like to submit into the record a recent Editorial in The Journal of Commerce newspaper by Viola Herms Drath "Emphasis should be on Africa's role models" that praises Gambia, as one of a handful of African nations, that is developing systems for its own internal development seeking trade and not aid. While much work remains to be done in terms of ameliorating the country's transportation and technological infrastructure, the Gambia is well on its way toward developing constructive partnerships that will enable them to sustain and increase their development potential. I am happy to draw attention to the Gambia's very positive achievements and look forward to lending them this chamber's continued support and encouragement.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

Mr. NADLER. Mr. Chairman, I rise to offer an amendment to increase the appropriation for the Housing Opportunities for Persons With AIDS, or HOPWA, program by \$18 million. This is \$10 million less than the President requested, and far less than is truly needed to adequately fund this vital program, but represents the amount necessary to ensure that those already in the program do not receive a cut in service. I am delighted by the bipartisan nature of this amendment and I would like to thank Mr. SHAYS, Mr. CROWLEY, Mr. HORN, Mr. FOLEY, and Mr. CUMMINGS for joining me in offering this amendment and demonstrating the bipartisan support that this program enjoys.

Mr. Chairman, at any given time, one-third to one-half of all Americans living with AIDS are either homeless or in imminent danger of losing their homes. These are people who face discrimination, or have lost their jobs due to illness or, most cruelly, must choose between expensive, life-saving medications and other necessities such as shelter.

This is where HOPWA comes in. HOPWA is the only federal housing program that specifically provides cities and states with the resources to address the housing crisis facing people living with AIDS. Among the services HOPWA delivers are rental assistance, help with utility payments, and information on low-income housing opportunities.

It is also a crucial element in the effective treatment of HIV and AIDS. There is a clear link between stable housing and the ability of individuals living with HIV to live long and healthy lives. Some people have responded so well to new therapies that they have been able to go back to work after years on disability. However, these treatments require a stable living environment to be effective. To deny individuals the means to get healthy would be a terrible cruelty.

HOPWA is a locally controlled program that provides communities the flexibility to implement the strategies that best respond to local housing needs. It also supplies a low-cost alternative to acute-care hospital beds, typically paid for with Medicaid dollars, which are often the only available shelter for people living with AIDS. In fact, whereas an acute-care facility would cost, on average, between \$1,085 a day under Medicaid, assistance under HOPWA averages just \$55 to \$110 a day. So, HOPWA is not just compassionate, it is cost-effective. Currently, FY 2000 funds are serving thousands of people in 67 communities and 34 states. This is a well-run, far-reaching and successful program.

But as the success of HOPWA grows, so too does the need for funding. As a result of recent advances in care and treatment, the people currently being housed are living longer and the waiting lists for these programs are growing even longer. HOPWA would require an increase just to keep up with inflation, but on top of these strains on the program, 4 new cities will qualify for funds this year, stretching resources even thinner. The \$18 million we ask for in this amendment, \$10 million less than the President requested, is the bare minimum required if we are to ensure that those currently in the program are not threatened with a cut in service.

As for the offset, let me be clear. This is not an attack on polar research. I am a very strong supporter of scientific research and I am disappointed that more money was not provided for it throughout the bill. However, under the budget rules, we must find an offset and a slight cut to the Polar and Antarctic research program, which receives a significant increase in this bill over last year, will do minimal harm to our research programs while providing very significant benefits to the HOPWA program and the people it serves. I would also add that there are eleven other agencies that supplement the work of NSF in the arctic, spending roughly \$150 million a year, so this slight decrease will not damage our long-term research goals.

Unfortunately, under these budget rules we are forced to pit one program against another. If we were not locked into the unrealistic caps

placed on us by the Budget Resolution, I would advocate a large increase in both HOPWA and polar research. However, this is the hand we have been dealt and we must select our priorities.

The housing crisis facing people living with HIV/AIDS exacts an enormous toll on individuals, their families, and communities across the country. HOPWA dollars help lessen this toll. Without proper funding for HOPWA, people with HIV and AIDS will continue to die prematurely in hospital rooms, shelters, and on the streets of our cities. I urge the adoption of this amendment.

INTRODUCTION OF THE NATIONAL AND COMMUNITY SERVICE AMENDMENTS ACT OF 2000

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. LARSON. Mr. Speaker, I rise today in support of The National and Community Service Amendments Act of 2000, of which I am a proud original co-sponsor, was introduced last week in the House by two of my distinguished colleagues, Mr. SHAYS of Connecticut and Mr. ANDREWS of New Jersey. The bill would reauthorize the Corporation for National Service and the programs it administers: the National Senior Service Corps, AmeriCorps, and Learn and Serve America. The bill has been drafted in close consultation with more than 200 community service groups.

This legislation is a simple extension of the existing program with a few improvements:

Codifies the cost-cutting agreement reached with Senator GRASSLEY in 1996. The Corporation for National Service has lowered its cost per-member to \$15,000 for FY 99, including a \$4,725 education award to finance college or repay student loans; and a mere \$7,421 for a living allowance.

Expands the cost-cutting "Education Award Only" model, where the Corporation provides only the education award, and the sponsoring organization provides all other support.

Eliminates controversial AmeriCorps grants to other federal agencies.

AmeriCorps, the domestic Peace Corps, engages more than 40,000 Americans in intensive, results-driven service each year. AmeriCorps members are tackling critical problems like illiteracy, crime and poverty. They have taught, tutored or mentored more than 2.6 million children, served 564,000 at-risk youth in after-school programs, operated 40,500 safety patrols, rehabilitated 25,179 homes, aided more than 2.4 million homeless individuals, and immunized 419,000 people.

In Connecticut, more than 1,200 residents have served their communities through AmeriCorps.

AmeriCorps helps solve critical problems in an effective way. It creates \$1.66 worth of benefits for each \$1.00 spent. And for every full-time AmeriCorps member, 12 regular and occasional unpaid volunteers are recruited and mobilized. AmeriCorps is, indeed, effectively preparing young people for the future and strengthening local communities.

Furthermore, AmeriCorps also funds a great number of important projects that foster involvement and learning in technology by chil-

dren and adults. One of these is Project FIRST (Fostering Instructional Reform through Service and Technology Initiatives), whose role it is to increase access to technology and its educational benefits in the nation's least-served schools. Another way AmeriCorps is involved with technology is through TechCorps, a national non-profit organization that is driven and staffed primarily with technologically proficient volunteers.

I believe these programs are important, because even though American technology is propelling the nation's economy to unprecedented heights, growing concern remains for those who are not benefiting from this prosperity. For those left behind by the advancing technology, the divide growing between the "haves" and "have-nots" is increasing at an alarming rate, as demonstrated by the Department of Commerce in its July 1999 report, "Falling through the Net."

These AmeriCorps programs bring technology to underserved populations and address weaknesses in our economy, such as unequal access to technology, teacher training, and evaluation.

However, I do not believe AmeriCorps is essential just because it can help close the "digital divide." It is essential because it exposes young people to the ideal of serving their community and their nation. Collin Powell has succinctly captured this idea of community service by stating, "For some of our young people, preserving our democratic way of life means shouldering a rifle or climbing into a cockpit or weighing anchor and setting out to sea. For others, it means helping a child to read or helping that child to secure needed vaccinations or it means building a park or helping bring peace to a troubled neighborhood or helping communities recover from natural disasters or reclaiming the environment."

Harris Wofford, former United States Senator and now head of the Corporation for National Service, echoes Powell's thoughts, "Our country needs more . . . patriotism. AmeriCorps encourages and inspires this patriotism on the home front."

Finally, a quote by Vaclav Havel, I believe, explains the need to have an AmeriCorps, "The dormant goodwill in people needs to be stirred. People need to hear that it makes sense to behave decently or to help others, to place common interest above their own, to respect the elementary rules of human coexistence. Goodwill longs to be recognized and cultivated."

This, I believe, is the essential value of national service, and by extension, of AmeriCorps. Serving is as important and rewarding as being served. Therefore, I urge my colleagues to support this bill and hope that the House Leadership allows us to act quickly on this critical legislation.

**HONORING MICHAEL JOSEPH
BOWLER OF CALIFORNIA**

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. CONDIT. Mr. Speaker, today I call attention to the extraordinary work of the Big Brothers and Big Sisters of America and to an exceptional individual from my state of California—Mr. Michael Joseph Bowler, winner of

the 2000 Caring Hands Gold Award as the National Big Brother of the year.

Mike has served our community and the Catholic Big Brothers for more than 17 years—providing leadership and mentoring services to dozens of youths in the greater Los Angeles area.

Mike is dedicated to community service. He is a high school teacher and full time volunteer at a variety of youth centers and detention facilities. His accessibility, guidance, and commitment have helped many at risk young people see that others do in fact care.

Mike has accomplished much in his career as a Big Brother. He did so despite being born with a severe hearing impairment which resulted in a childhood full of loneliness.

He is a great example for all of us—representing the best in overcoming personal challenges and in giving to others.

Please join me in recognizing America's Big Brother of the year Michael Joseph Bowler.

PUERTO RICO AND THE DEMOCRATIC PROCESS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, today I speak about an important development that I strongly support to enable Puerto Rico to have the chance to choose their future status through a fully democratic process.

As we all know, Puerto Rico became a territory of the United States in 1898 as a consequence of the Spanish-American War. Since then, the Federal Government has never formally consulted the disenfranchised American citizens of Puerto Rico on the Island's political status. Over a hundred years have passed and Puerto Rico's permanent status has yet to be determined. In addition, the American citizens residing in Puerto Rico have no vote in the government that determines their national laws.

While almost all other American citizens are given a democratic means of expressing themselves through two Senators and representation in the House of Representatives, the American citizens residing in Puerto Rico lack voting congressional representation, and their voices are essentially left unheard.

Three local inconclusive referenda (1967, 1993 and 1998) have been held in Puerto Rico with regard to the Island's political status. However, the major flaw of these local processes was that local political parties were allowed to submit their own political status definitions, a situation not consistent with Federal law.

Mr. Speaker, one thing we did learn from the 1998 local referenda held in Puerto Rico was that over fifty percent of voters cast their ballot for an option that read "none of the above." This had the effect of providing, at best, an ambiguous result and no clear basis upon which to continue the process of ensuring that the governing arrangement enjoys consensus. But more tellingly, and more importantly, the vast majority of the voters, over 95 percent, did not support the status quo.

Much of Puerto Rico's status debate concerns what the Federal Government would implement. To that end, President Clinton invited the leaders of Puerto Rico's three major political parties, the Governor, our Colleague CARLOS ROMERO-BARCELO, and the Chairmen and Ranking Members of the House Resources Committee and the Senate Committee on Energy and Natural Resources, to an unprecedented summit at the White House on Wednesday, June 28, 2000.

The purpose of this summit is to further the work of the federal Executive and Legislative branches of government to begin a process. This process would clarify the options available regarding the governing arrangement that should apply to Puerto Rico, consistent with the Constitution and International law. This process will also define how federal economic and social policies should apply to the Island.

President Clinton has specified that he has no status preference, but that he is committed to agreeing on a process that will enable the American citizens of Puerto Rico to make an informed judgement.

Fellow Colleagues, the Congress has been committed to the Self-Determination process in Puerto Rico, as well as to providing a constructive response to the 1998 referenda held on the territory. We can all agree that the bipartisan nature of the White House meeting will provide a foundation upon which to consider a process to resolve fundamental questions regarding Puerto Rico's relationship with the Federal Government.

If it is appropriate for the President to help resolve disputes in the Middle East, Bosnia and Northern Ireland, is it not in the interest of our Nation to focus our efforts on the future of a territory of the United States and the four million Hispanic Americans that reside there?

Mr. Speaker, I urge you to support our fellow American citizens in Puerto Rico in order to enable them to choose a viable option. I urge you to support this effort and the decisions that may result from this summit.

CONGRATULATIONS TO C.W.
"CHUCK" PLUNKETT FOR HIS
OUTSTANDING SERVICE TO THE
CITY OF LEBANON, MO, AND TO
FORT LEONARD WOOD, MO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SKELTON. Mr. Speaker, let me take this means to honor Mr. Chuck Plunkett of Lebanon, MO, for his outstanding service to his community.

Mr. Plunkett has served the Lebanon community as the president of both the Lebanon Chamber of Commerce and the Fort Leonard Wood Committee of the Chamber. He has indeed been a community leader and an ambassador to Fort Leonard Wood. In fact, Chuck has spent nearly twenty years of his life working on behalf of better community relations between Lebanon and Fort Wood.

Throughout the years, Chuck, along with his wife Lil, have worked tirelessly on behalf of service members and their families who live

and work at Fort Leonard Wood, MO. They have organized tours of Lebanon and the surrounding area to showcase the people of Missouri and the scenic Ozark hills that surround the fort. They have regularly attended events at Fort Leonard Wood and passed out hundreds of buttons declaring "Lebanon Loves Fort Wood." In addition, when the U.S. Army was considering moving the Army Engineer School to Fort Leonard Wood, Lil and Chuck played an instrumental role in promoting the outstanding community relations that America's young soldiers would experience in Missouri. This good will gesture was important to the Army's decision to move the school to Missouri in 1989.

Chuck Plunkett has received many awards because of his dedication to Fort Leonard Wood. He has been given a certificate of appreciation while serving as the Chairman of the Fort Leonard Wood Committee, and he received the TRADOC Certificate of Appreciation for International Student Support. Additionally, Chuck and his wife, Lil, have been awarded a certificate of appreciation for their generous contribution and support to the soldiers of the 10th Infantry Regiment during the 1990 holiday season, and in 1991, Chuck was presented an award commending his public service during the gulf war. One accolade that Mr. Plunkett is especially proud of is from the families of the 55th Engineer Company, which included photographs of service members' families.

In addition to the various awards presented to Chuck Plunkett over the years, he has been named a Charter Member of the Engineer Regimental Association of the United States Army. He has also been officially designated as a member of the Army Engineer Association.

Chuck, who served his nation in the U.S. Air Force from 1943 to 1946 as a ball turret gunner on a B-17, came to the Lebanon community in 1972. He owned and operated Commercial Quality Feed Center, Inc., until 1983 where he engineered and constructed a feed mill and retail store.

Mr. Speaker, in a time when the gap between civilian America and military America is growing, Chuck Plunkett has worked long and hard to bridge that gap. A World War II veteran, a small business owner, and a community leader, it is right that the Members of the House of Representatives join me in honoring this role model for all Americans.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on Monday, June 26, when rollcall votes 322 through 330 were taken. I want the RECORD to show that had I been present in this Chamber at the time these votes were cast, I would have voted "no" on rollcall vote 322, "yes" on rollcall vote 323, "no" on rollcall vote 324, "yes" on rollcall vote 325, "no" on rollcall vote 326, "yes" on rollcall vote 327, "yes" on rollcall vote 328, "yes" on rollcall vote 329 and "yes" on rollcall vote 330.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SHOWS. Mr. Speaker, I was away from the floor of the House on Monday, June 26, 2000, to attend to official business in my congressional district. I was unable to cast recorded votes on Rollcalls 322 through 326, relating to Commerce, Justice, State and Judiciary Appropriations for Fiscal Year 2001, and on Rollcalls 327 through 330.

Mr. Speaker, I regret not being able to vote on any of these rollcalls, but I particularly regret being unable to cast my vote in favor of Final Passage of the Commerce Appropriations Bill, H.R. 4690. This bill includes funds, which I requested, to repair the National Weather Service Melba Warning Tower in Jefferson Davis County.

Tornadoes and hurricanes are a constant threat and have caused serious damage in our area. I have been working to repair the Melba National Weather Service emergency warning tower, which serves Jones, Covington, Jefferson Davis, Simpson, Lawrence, Marion, Walthall, Lamar & Forrest counties. I am pleased that the Appropriations Committee and the full House recognized the urgent need to repair the Melba Tower.

Mr. Speaker, had I been present for Rollcalls 322 through 330, I would have cast the following votes:

Rollcall 322: "Aye" on the Sanford Amendment to H.R. 4690, to strike the \$8.2 million appropriation for the Asia Foundation in the Department of State.

Rollcall 323: "No" on the Olver Amendment to H.R. 4690, to add a new proviso into the bill (relating to the Kyoto Protocols) which clarifies that the limitations on funds shall not apply to activities which are otherwise authorized by law.

Rollcall 324: "Aye" on the Hostettler Amendment to H.R. 4690, to add a new section which provides that no funds in the bill may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith and Wesson and the Department of the Treasury.

Rollcall 325: "Aye" on the Vitter Amendment to H.R. 4690, to add language to the bill prohibiting the use of funds by the State Department to approve the purchase of property in Arlington, VA by the Xinhua News Agency.

Rollcall 326: "Yea" on Passage of H.R. 4690, Commerce, Justice, State and Judiciary Appropriations for Fiscal Year 2001.

Rollcall 327: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, H.R. 3417, the Pribilof Islands Transition Act.

Rollcall 328: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, S. 148, the Neotropical Migratory Bird Conservation Act.

Rollcall 329: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, H.R. 4408, a bill to reauthorize the Atlantic Striped Bass Conservation Act.

Rollcall 330: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, H.R. 3023, a bill to authorize the Secretary of the Interior to convey property to the Greater Yuma Port Authority of Yuma County, Arizona for use as an international port of entry.

HONORING WARREN BELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I recognize Warren Bell for his incredible success in small business and his continued involvement in his community.

Warren first came to work for the family business, Bell's Bialys and Bagels, 20 years ago, under his father Martin, a distinguished businessman. Ten years ago, Warren assumed primary responsibility for operations at Bell's Bialys and Bagels. Under his talent and care the business has expanded tremendously. The company expanded its facilities, added new products and flavors to the supreme "Bell" quality and now ships his products to Japan on a regular basis. Warren has truly perfected the art of small business.

Perhaps Warren's greatest and most commendable success is that despite all the time and energy he has put into his business, he still found time to devote to the finer things in life. His devotion to his community and family is one of a true role model. His years of work with his local school board, temple, neighborhood and borough-wide small business organizations and networking groups provides a great service to the community. Warren currently serves on the Executive Council of "Brooklyn Goes Global" and is an active member of N.A.S.F.T. and the Brooklyn Chamber of Commerce.

In 1989, the Democratic Club of Brooklyn honored Warren and in 1994 he won the Borough President's "Mom and Pop" Award for achievement as a small business. This year Bell's Bialys and Bagels has been awarded the prestigious Small Business Administration's Exporter of the Year Award and the Borough President's Ron Brown Award for commitment to international commerce.

Warren has proven that in business and in public service that he is a man to emulate. He has helped to create jobs and played a major role in the economic growth and development of Brooklyn. I want to take this opportunity to recognize the achievements of Warren Bell, one of Brooklyn's finest residents and entrepreneurs.

PRIBILOF ISLANDS TRANSITION ACT

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I'm pleased to rise in support of this important legislation, sponsored by the gentleman from Alaska. As Members of this body know, the Chairman of the Committee on Resources is a forceful advocate for his Alaska constituents.

The bill before the House today has improved in numerous respects from the version reported by the Committee last April. As a result of changes made to accommodate NOAA's concerns, it is my understanding that the Administration supports the bill as amended.

The history of our involvement in the Pribilof Islands, as is the case with many Alaska matters, is long and complex. Prior to the purchase of Alaska in 1867, Aleut Natives had been enslaved by the Russians to exploit fur seals. In 1910, Congress passed a law which regulated the seal harvest and provided federal support for the Native residents of the islands of St. Paul and St. George. With the Fur Seal Act of 1965, and substantial amendments to that Act in 1983, Congress has attempted to provide for a transition from federal management to local control and self-sufficiency on these remote islands.

Clearly, it is vital that the government meet its obligations to the people of the Pribilofs, including the timely completion of environmental cleanup of contaminated federal property. With the changes that have been incorporated, this legislation is intended to responsibly close out the U.S. obligations and liabilities on the Pribilof Islands as established under the Fur Seal Act.

In an attempt to strike a responsible balance in this bill, there are now caps on the amounts authorized for the economic assistance grants to the Native entities and local governments. At the request of the Minority, auditing and reporting requirements have been included for these grants. Minority concerns have also been addressed by language stating that funds authorized by this bill should not supplant NOAA appropriations as enacted in FY 2000. NOAA programs such as severe weather forecasting and the management of commercial fisheries benefit every region of the country. This language affirms the intent of Congress that funding for concluding the transition in the Pribilofs should not come at the expense of other important NOAA programs.

Mr. Speaker, I again commend the gentleman from Alaska and his staff for working with all interested parties to improve this legislation. I urge my colleagues to support H.R. 3417 as amended.

CLEVELAND POLICE OFFICER WAYNE ALLAN LEON**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the memory of Cleveland Police Officer Wayne Allan Leon, badge number 1338. Officer Leon was tragically killed in the line of duty on Sunday, June 25. He was just 32 years old.

Wayne Allen Leon was appointed to the Cleveland Police Department in the 110th Academy Class, February 1, 1994. He graduated from the police academy on June 9, 1994, and was assigned to the Third District, basic patrol. He soon distinguished himself as a police officer, going well beyond the call of duty to serve the public, in ways that were recognized by his peers and superiors. As an officer of the law, he dedicated his life to serve and protect the citizens of the state of Ohio and of this great nation. Quick with a smile, earnest, honest, sincere and extremely dedicated are but a few of the qualities that distinguished Officer Leon. He held his office with great professionalism, bravery and dignity, earning the respect and love of his colleagues

and the community he served. He was awarded the Department's highest award—the Medal of Honor—after he and his former partner broke up a drug buy on November 1, 1998. The community mourns the death of a great role model.

As a committed man of faith and family, Officer Leon will be greatly missed by his wife Grace, their children Justin, age 5, Gabrielle, age 4, and Nicholas, age 2. His father, retired Cleveland Police Lieutenant Duane “Jake” Leon, brothers Dean, Tony, and Jake, and his parents-in-law Sam and Maryann Scampitilla, also survive him. I take this opportunity to express my deepest condolences to the family.

It is a terrible tragedy when a police officer falls in the line of duty protecting the public and serving his or her country. Officer Wayne Leon exemplified the very best police departments have to offer. He will be missed by all.

I ask the House to join me in commemorating this model public servant and dedicated family man. The State of Ohio and the Nation owe him a great debt of gratitude. My fellow colleagues, please join me in honoring Officer Wayne Allen Leon.

INTRODUCTION OF THE FUEL EXCISE TAX RELIEF ACT (FETRA)

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. COLLINS. Mr. Speaker, today I am introducing the Fuel Excise Tax Relief Act (FETRA), for a moratorium on Federal fuel excise taxes until March 31, 2001.

Fuel is not a luxury, it is a necessity for Americans. It is necessary for a dad commuting to his job or a soccer mom picking up her children. Higher fuel costs don't stop at the pump because the cost of shipping is built into the price of every product purchased by families and businesses across the country.

There is not one Member in this Chamber whose constituents are not daily suffering sticker shock when they go to the gas pump, and wondering why, for the past 6 months, nothing has been done about gas prices.

A few months ago, Secretary of Energy Bill Richardson admitted he had been asleep at the switch, and promised Americans that prices would soon decline, thanks to his arm-twisting of OPEC.

Perhaps we should be asking if Mr. Richardson was twisting OPEC's arm the wrong direction and convincing the oil states to restrict production. Certainly, 3 months later, gas prices did not go lower, but went higher.

These skyrocketing fuel prices are borne on the backs of working families across this country, because they have an impact on the cost of every product or service that depends upon transportation.

I am concerned that high fuel prices could affect the economy, just as they did after the oil shocks of 1973 and 1979. Both resulted in higher interest rates and recessions.

Congress must take both short-term and long-term action now.

Presently, the United States is dangerously dependent upon foreign oil. We must work more aggressively with OPEC to increase supply. We must explore the use of the Strategic Petroleum Reserve to temporarily increase the

supply. We should allow environmentally responsible oil drilling to increase domestic supply.

We should also take steps to ensure that our environmental regulations protect the environment without driving independent producers and refiners out of business. When they are gone, competition decreases, and prices rise.

We can also encourage the use of mass transit and build new systems. Tax and investment incentives will help further develop technology for fuel cells, electric cars, hybrid cars, and alternative fuel vehicles.

All of these responses take a while to affect prices at the pump. But there is one act Congress can take to provide immediate relief to America's working families.

This would be to pass the Fuel Excise Tax Relief Act (FETRA) which imposes a moratorium on Federal fuel excise taxes until March 31, 2001. I will shortly be introducing this legislation with several colleagues, and I invite your support.

FETRA would provide relief to every American of every income strata. It would reduce transportation costs which affect the price of every good or service purchased by consumers. It imposes a moratorium on the federal fuel excise taxes: cutting 18.3 cents per gallon on gasoline, 24.3 cents per gallon on diesel, and 4.3 cents per gallon on aviation jet fuel.

The FETRA tax moratorium will be effective upon enactment and end March 31, 2001. This will give the new administration and new Congress time to draw up something that has been lacking the past 8 years—a coherent energy policy.

FETRA also holds the transportation trust funds harmless from any revenue shortfalls, and will make up the difference out of general funds. None of our infrastructure projects will be affected by FETRA.

This tax relief is long overdue for American consumers. To ensure they get the benefit of this tax relief, FETRA directs the Comptroller of the United States to report to Congress on whether the tax cut is being passed through to consumers. Additionally, the act requires the Administration to prepare a report on changes in the prices of gasoline, diesel and other fuels over the previous 12 months, and the impact on prices of the reformulated gasoline mandate, and the feasibility and appropriateness of maintaining the reformulated fuel mandate.

Mr. Speaker, The American people are looking toward Congress for leadership on this issue. I agree that we must work on long-term and medium-term solutions to high fuel prices, but FETRA is where we should start.

AMENDING INTERNAL REVENUE CODE TO REQUIRE 527 ORGANIZATIONS TO DISCLOSE POLITICAL ACTIVITIES

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. BLUMENAUER. Mr. Speaker, the House has finally done something about the shadowy political action committees organized under Section 527 of the tax code which can

hide their donors, activities, and even their existence from public view. Sunshine is the best disinfectant and now some light will be shed on these stealth PACs that have been flying under the radar to avoid detection.

Very early this morning, we voted to require these tax-exempt groups to disclose their activities. The Senate adopted very similar legislation earlier this month. It has been perfectly within the rights of anyone to give unlimited sums of money aimed at influencing American elections with no limits, no restrictions, and complete anonymity.

Here's how the loophole worked: You set up a bank account, collected as many millions as you could, ran ads under whatever innocuous name you chose—Americans for a Decent Society or whatever—and attacked or supported any candidate you chose. All you had to do was refrain from using the “magic words” like “vote for,” “vote against,” “elect,” “defeat,” etc. in reference to a particular candidate. You could mention the candidates by name. You could show their unflattering visage against a backdrop of belching smokestacks. And then you could disappear from the face of the earth.

That unique combination—unlimited funds with total anonymity—was the beautiful thing about the 527s, if you were a clever political fundraiser, or a billionaire with a private agenda.

But that is changing now. The Campaign for America, a group of well-respected business leaders founded by Jerome Kohlberg, recently stated, “Tax-exempt status is a subsidy, not an entitlement. Accordingly, organizations obtaining this subsidy have obligations and responsibilities to the public that provides this benefit. Every other nonprofit involved in electioneering such as parties, PACs and campaign committees discloses to the Federal Election Commission. There is no justification for making an exception for these 527 organizations. In return for the public's largesse, these organizations should at least be required to disclose their existence, substantial contributors and substantial expenditures.”

The legislation we passed requires “527” groups to disclose who they are, where they get their money, and how they spend it. It does not adequately cover political activities during this election cycle, but it is a good start.

By closing this loophole, we are beginning to repair the damage that our current campaign system has done to public trust in government. This could be the first meaningful campaign finance reform passed in Congress in many years. Let's lift this curtain of secrecy that has shrouded elections for too long.

TRIBUTE TO AARON HALPERN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention to the deeds of a person I was proud to call my friend, Aaron Halpern of Clifton, New Jersey, who was remembered on Thursday, June 1, 2000 because of his many years of service and leadership. He is deserving of this memorial, for he had a long history of caring, generosity and commitment to others.

Aaron was recognized for his many years of leadership in Clifton, which I have been honored to represent in Congress since 1997, and so it is only fitting that these words are immortalized in the annals of this greatest of all free-elected bodies.

Mr. Halpern worked for the Clifton School System for 43 years, beginning as a high school teacher and guidance counselor. He became the principal of School 7 in 1959 and of Woodrow Wilson Middle School in 1962. A year later he became the principal of Clifton High School. He served that post for 25 years until his retirement on November 1, 1988.

During his tenure at Clifton High School, Aaron implemented many educational innovations including computer technology, student counseling and placement services. When he retired in 1988, it was estimated that more than 20,000 students had passed through the school in the years that he was in charge.

Aaron received the New Jersey Principals Supervisors Association's Distinguished Service Award in 1993, and the Clifton Parents Football Boosters named him 1982-83 Man of the Year. He also had a wing at Clifton High School named after him in 1997.

Principal Halpern was a member of the Executive Committee of the New Jersey State Interscholastic Athletic Association, where he was responsible for many athletic rule changes. He was a life member of the National Education Association and the New Jersey Congress of Parents and Teachers.

An Army Air Corps veteran of World War II, Principal Halpern was a member of the Clifton Jewish Center and its Men's Club, the B'nai B'rith and Humboldt-Ezra Masonic Lodge 114, all in Clifton.

A graduate of Passaic High School in 1938, Aaron received a Bachelor of Science Degree in Education from Newark State College, and Master's degrees in Administration and Supervision from Montclair State College (now University), in Guidance from Rutgers University, and in Secondary School Administration from Teachers College at Columbia University.

Aaron is survived by his wife, the former Dorothy Leibowitz, a daughter, Doretta Halpern of Cedar Grove and his nephew Jack Birnberg, Chairman of the Board of Waldorf Group, Inc. of Little Falls, New Jersey.

Mr. Speaker, I ask that you join our colleagues, Aaron's family and friends, Clifton High School, the Clifton Board of Education, the City of Clifton and me in recognizing the outstanding and invaluable service to the community of Aaron Halpern.

ELECTRIC UTILITY INDUSTRY

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. BRYANT. Mr. Speaker, at a time when this Congress is beginning the debate over the future of our electric utility industry, I call to the attention of my colleagues an article in the current edition of Forum For Applied Research and Public Policy. The article is entitled "Electricity: Lifeline or Bottom Line?", and it is by Terry Boston, Executive Vice President of the Tennessee Valley Authority's Transmission and Power Supply Group. Mr. Boston oversees TVA's 17,000 miles of transmission lines,

one of the largest transmission systems in the country.

The article largely embodies information I received from Mr. Boston in a briefing earlier this month. The news media has given considerable coverage recently to the expected demands on our electric utility grid this summer and how those demands will almost certainly strain the system. Mr. Boston makes the point that more is being invested in generation and marketing than in transmission, distribution and reliability, and that until these two different facets of the business are brought more into balance, the strains on the system will continue.

All in all, the article will enhance Member's understanding of the problems we face this summer and the challenges that are before us as we confront the complex issue of electric utility restructuring.

[From Forum for Applied Research and Public Policy, Summer 2000]

ELECTRICITY: LIFELINE OR BOTTOM LINE?

(By Terry Boston)

On a blistering day last July, two large cables at a Chicago substation failed, triggering a local blackout that sent hundreds of air-conditioning deprived residents to hospitals and a few, tragically, to cemeteries. At its worst, the blackout left more than 100,000 people without electricity, and thousands remained that way for the better part of three days.

This was only one in a string of blackouts during the summer of 1999 that afflicted hundreds of thousands in New York City, Long Island, New Jersey, the Delmarva Peninsula, and four Gulf states. And the problems were not confined to local power companies; several high-voltage transmission systems—designed to deliver vast amounts of power over great distances in all sorts of weather—strained to keep up with demand. Over the course of five tense weeks, two other blackouts hit Chicago while other electric systems suffered with voltage problems and a few teetered on the brink of collapse.

What's happening here? Why is the world's strongest, most reliable electric grid scrambling to keep up with hot, but not unprecedented, summer weather? And why is it hard for some transmission operators to make eye contact when asked about the prospects for this summer? The reasons are complex, and agreement is lacking, but many point to the pressures competition is placing on an industry still learning how to compete. In short, the move to restructure the electric utility industry has the industry sprinting toward competition before it can walk. As a consequence, the long-sacred focus on reliability is beginning to blur. Instead of filling its traditional role as a lifeline, electricity is in danger of becoming just a bottom line.

LIGHTS OUT

Blackouts—small or large—are nothing new; but the reasons for some of last summer's blackouts and near misses are disturbing. For example, the U.S. Department of Energy cited Chicago's Commonwealth Edison for scrimping on its substation maintenance budget—which went from a high of \$47 million in 1991 to just \$15 million in 1998—as it shifted money into its nuclear program and preparations for competition. Other systems, including TVA's, were threatened when operators were unable to predict the massive amounts of power flowing across their systems from eager new sellers on one side to eager new buyers on the other.

Unless transmission operators understand exactly where and when power will flow

across their system, lines that are already overburdened by severe weather can fail, triggering widespread disruptions. Looking at the blackouts of 1999, DOE concluded that "the necessary operating practices, regulatory policies and technological tools for dealing with the changes [resulting from a restructured environment] are not yet in place to assure an acceptable level of reliability."

Energy Secretary Bill Richardson and Federal Energy Regulatory Commission Chairman James Hoecker have warned of more blackouts this summer, and Richardson criticized policymakers who "haven't kept pace with the rapid changes in the electric utility industry." While many would welcome legislation to ensure reliability, the industry desperately needs something more—time. Unless the industry has time to strengthen the grid, time to understand the new pressures that competitive pricing brings, and time to develop the complex computer modeling and analytical tools needed to safely manage the phenomenal increase in electricity transactions, many fear the grid may be headed for the most severe outages since the New York blackout of 1965. The Electric Power Research Institute estimates that power failures in the United States cost the economy approximately \$50 billion per year.

THE WORLD'S LARGEST MACHINE

Someone once called the North American electric grid—the massive conglomeration of generators, wires, switches, breakers, and related equipment that produces and moves electricity to almost every point on the continent—the world's largest machine. It's an apt description.

Originally, utilities were built to serve specific geographic regions and were physically isolated from one another. America literally had islands of electricity haves and seas of electricity have-nots. In fact, where TVA was created in 1933, only 3 percent of farms in the Tennessee Valley had electricity. As technology improved and power plants increased in size, these islands grew and began to connect with one another. Many of the connections were established to promote reliability in the wake of the 1965 New York blackout, allowing power to be routed in any number of ways to circumvent local problems.

Today, a single massive, interconnected grid serves the eastern United States and eastern Canada, while two other grids serve Texas and the western half of the continent. On that grid, large transmission lines—some operating at up to 765 thousand volts—move electricity from generators to lower-voltage local distribution systems where smaller lines take it to individual consumers.

Transmission is critical because electricity cannot be stored. Natural gas can be kept in tanks and pork bellies can be stored in freezers, but electricity is consumed the moment it is produced. The challenge then is to make electricity instantly available in the exact amounts demanded 24 hours a day, seven days a week. If the amount of power delivered equals the amount consumed—every second of every day—and if power plants, lines, switches, breakers, and insulators all do their jobs properly, we have reliability. If any part of the machine fails, however, power is interrupted. Interruptions can range from a few milliseconds, unnoticed except by sensitive computer equipment and VCRs, to outages that plunge a single street or entire regions into darkness.

Balance between neighboring power systems is also critical. If one system under-generates—either deliberately to exchange power, or accidentally because a power plant

shuts down—imbalance results and electricity flows in from other systems like water through a breached levee. When that happens, systems can overload, and because they are designed to prevent problems from spreading, they automatically shut down. In the most extreme conditions—when weather forces heavy demand for electricity, and equipment over a wide area gets loaded to the maximum—losing a line many shift the burden to other lines, overloading them and causing them to fail. In those cases, power systems can begin to resemble a row of dominoes, which is what caused the West Coast blackout of 1996.

ENTER COMPETITION

Changes in national energy policy have encouraged the growth of independent power producers, electricity marketers, and brokers—all of whom differ fundamentally from existing utilities: they don't own their own lines. Consequently, these new entrants to the industry must rely on established transmission owners to provide the critical trade routes that move their product to market—even though at times they compete with those same transmission owners for capacity to serve native load customers. In fact, to promote competition, the Energy Policy Act of 1992 required utilities to provide these new players with transmission service virtually identical to the service they provide their own generators.

Traditionally, nature has posed the major threats to a reliable power delivery system. Tornadoes and ice destroy transmission structures. Lightning knocks out equipment. Trees grow and fall into power lines. And while those hazards still exist, competition challenges reliability in ways that we are just beginning to recognize and address.

PLANNING IN A VACUUM

Location is always a key consideration in building a new generating plant. Historically, plants were built where the transmission system could handle, or could be made to handle, the added power. In short, planning for new power plants always occurred in lockstep with planning for transmission. Plants were built where it made the most electrical sense, often near large concentration of customers to minimize transmission problems.

Today, however, power plants are built wherever it makes the most economic sense for the growing number of new players. The most attractive locations seem to be where natural gas pipelines converge with transmission interconnections between utilities. The pipelines provide fuel for the plants; the interconnections allow quick access to market. However, the existing transmission facilities may not be adequate or may be used up by the introduction of more generators, exposing everyone who depends on the transmission system to greater risk of interruptions.

And we are not talking about a handful of new power plants. Gulf States near natural gas wellheads are seeing hundreds of requests to connect from independent power producers with a combined generating capacity that the existing grid cannot possibly accommodate. At the same time, due to environmental and land-use concerns, building new lines has never been more difficult.

And while new plant owners must pay for any transmission upgrades necessary to connect to the grid, homeowners question the need for improvements and others complain that utilities may be using the connection process to restrict access.

OPERATING CONFLICTS

Adopting the mindset of blue-water sailors—always assume that the boat is trying

to sink and do your best to keep it afloat—transmission operators are doing their best to ensure reliability. Doing so is no easy task. Each day on the TVA system alone, hundreds of thousands of calculations are made to determine the demand for power, which plants to run, which to keep on backup, and which to shut down for maintenance. Operators also need to know which lines, substations, and switching equipment must be available at any given time, and which they can afford to take out of service temporarily for maintenance. Finally, they must know how much power will be flowing across their systems from producers on one side to consumers on the other. Without all that detailed information, the transmission system is extremely vulnerable, and ensuring reliability is simply not possible. And even with it, better tools are needed to instantly analyze the data and enable us to provide relief to the right place at the right time.

Competition means that more and more power is flowing in more and more directions on the grid as the number of deals between suppliers and customers grows exponentially. While TVA had about 20,000 interchange transactions with other utilities and marketers in 1996, it had nearly 300,000 in 1999. Since electricity follows the path of least resistance and respects no political or system boundaries, utilities sometimes find their lines clogged with power that they neither generated nor planned for. Because of the limited ability to predict how power actually will flow from moment to moment, power from most utilities—including TVA—sometimes inadvertently flows into or through neighboring systems.

In times of crisis, the added traffic can confound the efforts of operators to prevent a calamity. On a hot day last August, 10,000 megawatts—an output equivalent to that of eight large nuclear plants—flowed through the TVA system, three-quarters of it unplanned. The result: TVA—despite all its efforts—was one thin mishap away from a widespread blackout. In the future, as dozens of new plants are added to the grid, these inadvertent power flows—and the problems they cause—will only increase.

There is also concern about the ways some new merchant power plants—which are built to sell power to a particular buyer, rather than to serve a specific area—are being used. One marketer that owns merchant plants in TVA's region, aided by a puzzling interpretation of the rules by the National Electric Reliability Council—a utility-sponsored organization that promotes reliability—determined that its power plants can serve as transmission control areas and points of delivery for power transactions. Normally, a transmission control area contains generators and consumers of electricity and a control center responsible for ensuring that both the supply and demand for electricity are kept in balance. As a control area, the marketer would have the right to reserve space on TVA's transmission system, ostensibly to have large quantities of electricity delivered to its power plants.

Since a power plant consumes only minuscule amounts of electricity, however, delivering large amounts of power to one is physically impossible; and in fact, this marketer has no intention of receiving electricity at its plant. Instead, the arrangement serves the marketer by securing a needed path into TVA's transmission system. Later, when the marketer finds a buyer, it can inform TVA—with as little as 20 minutes' notice—that thousands of megawatts will be flowing across the transmission system, ready or not. We consider this a dangerous misuse of the transmission system and have determined that we will accommodate the mar-

keter's transmissions only if reliability can be protected.

Established electric utilities don't always wear the white hat. Competitive pressures can bring out rogue behavior in many organizations. Last summer, for example, one midwestern utility had more demand for electricity than it could supply. Normally in such circumstances, the price of power rises when demand exceeds the supply. If a utility cannot meet its contractual requirement, it should interrupt noncritical and keep critical loads, like hospitals, from being at risk. Instead of interrupting lucrative sales when power prices were exorbitantly high, however, the utility simply allowed its system to become a "black hole" on the grid. Because electricity flows to where it is needed, the utility sucked in power from other utilities without paying the high prices for it and increased the risk of blacking out its neighbors.

BUILD IT AND THEY WILL COME

What would happen if, with air travel booming, there were suddenly a freeze on building new airports or expanding old ones? Air travel would likely peak according to the number of planes that airports could safely handle, and then level off. That is not what's happening in the electric utility industry. Nationally, electricity sales are growing at a rate of about 2 percent annually, closer to 3 percent in the southeastern region. To meet this growth and possibly make large profits during periods of extreme demand, new generating plants are being built at an unprecedented rate. At the same time, investment in transmission systems nationally has almost bottomed out. In airline terms, we are building planes and sending them from the gate with hoards of travelers onboard, even though we are dangerously short of runways. To make matters worse, those planes take off and land without talking to the control tower about their flight plan.

Most of the nation's extra-high-voltage transmission lines were built after the infamous blackouts of the mid-60s. They were intended to enable bulk deliveries of power over long distances in the event of emergency—thus ensuring reliability. Today, however, those lines are largely used for day-to-day commerce. New players in the market argue that transmission owners still have the right to curtail transactions to protect reliability, but transmission providers know that every curtailment runs the risk of being challenged politically, publicly, and in the courts.

The societal cost of having too much transmission capacity is small compared to the societal cost of having too little. Yet industrywide transmission is not being built to support the new market. In 1990, utilities' 10-year plans called for a total of 13,000 miles of new transmission lines. After passage of the Energy Policy Act in 1992, those plans began to nose-dive. By 1999, only 5,600 miles were still planned. TVA, I'm pleased to note has not followed this trend. While the miles of planned transmission lines in the United States have been halved, TVA has doubled its transmission capital budget. We built more than 160 miles of transmission line last year and will build a comparable amount this year to enhance reliability within the region.

THE PUBLIC GOOD

Handled properly, competition can bring genuine benefits to society. Regions that have been plagued with high power costs may one day see lower rates. New participants in the industry may play an important role in bringing about this parity, and they should be encouraged to take part. Obstacles to a fair, open, and diverse marketplace should be removed, but carefully and for the

right reasons. The public has far too much at stake to allow competition to jeopardize reliability. Already, the pendulum has swung so far in the direction of open competition that reliability is being compromised.

New participants in the industry tend to think of electricity as a commodity, to be bought and sold like any other. They are fond of comparing electricity to natural gas and seek an industry structure in which they can trade electricity without limits. But as long as electricity is dependent upon instantaneous transmission—until it can be stored efficiently for later use—we cannot afford to treat it as a simple commodity. The risk are far too great to permit this mindset to govern energy policy. New players, policy-makers, and even many established utilities must come to realize that electric system reliability doesn't happen by itself. It takes planning, resources, and time to ensure that the nation's electric grid will continue to operate smoothly.

The North American grid can become a balanced playing field—accessible to all, supportive of open competition, and robust enough to withstand the worst that nature and growth can throw at it. Or it can decline into a choked and inefficient war zone where interruptions are commonplace, as industry players try to outdo each other in search of short-term profit. Restructuring can help create that balanced field by encouraging new generators to enter the market and relieve the current shortage of electricity production. Without comparable improvements in transmission, however, we may be putting out the fire with gasoline.

TRIBUTE TO ADAM GRAVES

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the exploits of a remarkable athlete and humanitarian, Adam Graves of Tucumseh, Ontario, Canada. On Wednesday, June 14, 2000, he was feted at the Brownstone House in Paterson, NJ, because of his selfless dedication to the community and children by the Boys & Girls Club of Passaic, NJ, at the Annual Sportsman of the Year Dinner. It is only fitting that Adam be honored, for he has a long history of caring, generosity and commitment to others.

The road to Adam's professional career took him through the minor leagues. He made his AHL debut in the 1987 playoffs. In 1989, he helped Adirondack win the Calder Cup and notched 11 goals and 7 assists.

In an All-Star Junior career, Adam totaled 100 goals and 124 assists in two and a half seasons with Windsor of the OHL. He led the team in playoff goals in all three seasons. Adam also captained the Spitfires to the OHL Championship in 1988. In addition, he led the OHL in playoff scoring with 32 points.

Adam Graves also has a stellar international record. As a member of the Gold Medal-winning Canadian Junior team at the World Junior Championships in 1988, he notched five goals. He also served as captain of Team Canada at the 1993 World Championships in Munich, Germany, tallying six points. Additionally, he garnered seven points representing Team Canada at the 1999 World Championships in Norway.

Selected by the Detroit Red Wings in the second round, Adam was the 22nd overall

pick of the 1986 NHL Entry Draft. After 3 years he was traded to the Edmonton Oilers, where he helped the team win the Stanley Cup. Adam was signed by the New York Rangers as a free agent on September 2, 1991, and clinched his second Stanley Cup in 1994.

In total, Adam has appeared in 907 career NHL games, registered 293 goals and 248 assists for 541 points, along with 61 post-season points. He played in his first NHL All-Star Game on January 22, 1994, at Madison Square Garden in New York.

Born April 12, in Toronto, Ontario, Adam Graves wears number nine on the New York Rangers. He plays left wing, is 6 feet tall and weighs 205 pounds. His teammates often call him "Gravy." Interestingly, in 1998, he appeared in an episode of "Spin City" starring Michael J. Fox. Adam also captured the "Good Guy" award, presented by the New York chapter of the Professional Hockey Writers' Association, for cooperation with the media. In addition, he is a four-time winner of the "Players' Player" award, given annually to the best "team player" as voted by the players.

As a concerned member of the community, Adam serves as a celebrity chairman for Family Dynamics, a New York City child abuse agency. He helped raise more than \$80,000 at the agency's annual Family Dynamics event. "Gravy" makes several appearances with many charitable organizations during the season, including the annual Toys for Tots collection during the holiday season. He was the recipient of the "Crumb Bum" award in 1992–1993 for his work with New York youngsters. Along with four other professional athletes, he was awarded the USA Weekend "Most Caring Athlete" Award for his charitable efforts and community service.

Over the years, Adam has made a significant impact in the NHL and beyond through his commitment to charity. He is a four-time winner of the Steven McDonald Award, given to the Rangers player who "goes above and beyond the call of duty," as voted by the fans. In 1993–1994, he received the NHL's prestigious King Clancy Memorial Trophy. This award is given to a player that best exemplifies leadership on and off the ice and has made a noteworthy humanitarian contribution in his community. He is the first Rangers player to be so honored.

Mr. Speaker, I ask that you join our colleagues, Adam's family and friends, the Boys & Girls Club of Passaic, the New York Rangers, the National Hockey League and me in recognizing the outstanding and invaluable service to the community of Adam Graves.

IN RECOGNITION OF HUGH M. "LALLY" BATES

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. RILEY. Mr. Speaker, I rise today to recognize one of Alabama's finest, Mr. Hugh "Lally" Bates. On June 30, 2000, Mr. Bates will retire, ending his distinguished 38-year public service career. Speaking about leadership, Winston Churchill once said "I have nothing to offer but blood, toil, tears, and

sweat." After a career marked by blood, toil, perhaps tears, and a great deal of sweat, Mr. Lally Bates will soon be retiring from public service.

Ever since enlisting in the U.S. Marine Corps on his 18th birthday, Mr. Bates has served his country, his state, and his community with nothing less than the utmost integrity and professionalism. Today we honor this distinguished man and publicly thank him for his sacrifices.

While serving in the Marine Corps, Mr. Bates was stationed in Korea with the First Marine Division, Fifth Marine Regiment. During his service, he was wounded on three separate occasions. He was awarded three Purple Hearts, and the Bronze Star with combat "V" for valor in personally destroying a North Korean machine gun emplacement and with it, four North Korean soldiers.

President Lyndon Johnson appointed Mr. Bates to the position of Postmaster of Clanton in 1965. His distinguished service in this capacity earned him the respect and admiration of his fellow Postmasters who twice elected him to serve as the National President of the National Association of Postmasters of the United States (NAPUS). In fact, Lally Bates is one of only two Postmasters ever elected to serve twice as the National President of NAPUS.

Aside from his professional duties, Mr. Bates has served Chilton County in a number of civic leadership capacities. He has twice been named the president of the Chilton County Chamber of Commerce, and been honored for his service as president of this organization that further honored him by naming him its Citizen of the Year this past January.

He further served as the president of the Clanton Quarterback Club, the Clanton Dixie Youth Baseball League, and the Civil Defense Rescue Squad. Additionally, his concern for others led him to serve as the Chairman of the Board of Directors for Chilton County Hospitals. Always selfless, Lally Bates has continued to serve his fellow veterans as commander of American Legion Post No. 6.

While Mr. Bates may be known by many as the Postmaster of Clanton, others may recognize his voice. For 41 years, Mr. Bates has been the Voice of the Chilton County Tigers football team on WEZZ radio, representing his alma mater.

Today I want commend Mr. Bates for his years of service. As an Alabamian, I am grateful for all that he has done to serve his community. I thank Mr. Bates, and the Bates family, for sharing time with the community. Today, I thank him for all of your blood, toil, tears, and sweat.

MANAGEMENT OF NATIONAL FORESTS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. DUNCAN. Mr. Speaker, Matt Bennett, who is a very good friend of mine, wrote an editorial today in the Knoxville News-Sentinel about the management of our national forests.

This Administration has proposed a plan to manage our national forests which many people believe could actually end up harming our

forests by preventing access to areas in danger of fire. I agree that we should be preserving our existing wilderness areas and national parks. However, the federal government already owns 30 percent of all the land in the U.S. If we keep locking up more and more land, we will just end up hurting the middle- and lower-income families by driving up the cost of forest products.

Mr. Speaker, I believe that Mr. Bennett's column does an excellent job describing the dangers of this proposal put forth by the Administration. I have included a copy of the editorial that appears in today's edition of the Knoxville News-Sentinel and would like to call it to the attention of my colleagues and other readers of the CONGRESSIONAL RECORD.

[From the Knoxville News-Sentinel, June 28, 2000]

**PRESIDENT'S ROADLESS PLAN TOO CONFINING
FOR FUTURE GENERATIONS**

(By Matt Bennett)

In the legal parlance of estate planning, the term "dead-hand control" refers to one generation's attempt to control the future of another from the grave. For the obvious reason that we can never know what circumstances future generations might face, most attorneys advise against it.

Yet in preparing to designate another 60 million acres of our national forests as permanently roadless, this is precisely what the Clinton administration is preparing to do, and it should not be allowed to succeed.

Seeking support, the administration has argued (as it has on every issue from higher taxes to gun control) that we need to set aside these roadless areas for the children. Likewise, environmentalists often cite the seven-generations concept of the Iroquois nation, asking that we consider the implications of our actions seven generations removed.

These environmentalists, convinced that our generation lives at the expense of the next, hope that trans-generational guilt will lead to policies more to their liking.

No matter how charming the notion, if we reverse the exercise and think backward seven generations, we can see the obvious shortcomings of the idea.

If policies common 150 years ago had been perpetuated until today, slavery would still exist, women would not be allowed to vote and forests would be cut as fast as possible to clear the land for farming.

And, while environmentalists point to polls that indicate the public's support of the roadless policy, I suspect polls taken 150 years ago would have shown support for the above policies too: policies that now seem terribly inappropriate.

The truth these examples illustrate is that our ancestors could not see the future, and neither can we. We can know neither the demands nor the emergencies future generations may face.

Setting aside these lands as permanently roadless would be a terrible mistake, tying the hands of future generations and denying

them the freedom and the choice to make their own decisions. In other words, we would be controlling them from the grave.

Today, experts point out that as many as 65 million acres of our national forest are at risk from wildfire and disease. They also point to wildlife and plant species at risk due to the aging of our forests. Consequently, most reject the notion that public forests should be left unmanaged.

Yet, the president's plan makes that naive idea a virtual certainty. For that reason, the wildlife directors of five southern states, Tennessee included, have publicly expressed their concerns about the plan.

Because flexibility is the most necessary tribute of long-range planning, the lack of it in the president's roadless plan makes it woefully inadequate to meet the needs of future generations.

What we need is management that requires the U.S. Forest Service to develop a plan every 10-15 years for each national forest that will meet the public's needs while protecting the long-term health and condition of the forests.

Incorporating local input and sound science, these plans would recognize that both forests and society are dynamic and changing over time. Most of all, these plans would refrain from giving the current generation irrevocable control over subsequent ones. Their legacy would be their flexibility.

This may sound too good to be true, but actually it is pretty much the way the forest service does it now. The president's new plan actually excludes the public from the decision-making process, not just this generation but for all those that follow.

If you believe that each generation deserves the right to make its own decision, then please contact the forest service at the address below. Tell them that you oppose the president's roadless plan and support instead Alternative 1, which preserves the current planning process.

Tell them that future generations should have the freedom to choose their options instead of being forced to accept one mandated by Bill Clinton and Al Gore.

The address for comment: USDA Forest Service-CAET; Attn: Roadless Area Proposed Rule; P.O. Box 221090; Salt Lake City, Utah 84122. The fax number is 1-877-703-2494, and the e-mail address is www.roadless.fed.us.

**TRIBUTE TO MONTCLAIR STATE
UNIVERSITY RED HAWKS NCAA
DIVISION III WORLD SERIES
CHAMPIONS**

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a phenomenal college baseball team from my district, the Montclair State University Red

Hawks. On Tuesday, May 30, 2000 the baseball team won the NCAA Division III World Series Championship in Appleton, Wisconsin. It is only fitting that this group is honored, for it concluded the season with the most wins in school history, and became a three-time Division III World Series title-holder.

The team became champions after beating St. Thomas, a school from Minnesota, 6-2 at Fox Cities Stadium, Wisconsin. That game included a one-hour, two-minute lightning delay.

The team is the first to win the tournament after losing its opener since the series expanded from four to eight teams in 1991.

The entire team played outstanding. Corey Hamman, who allowed only two runs and seven hits, gave a great performance. Corey's skills earned him the honor of being named the tournament's Most Valuable Player. Junior center fielder Frank Longo went three-for-four with three RBIs and a run scored by the Red Hawks.

Montclair State University Baseball Coach Norm Schoenig has always been an active and involved leader. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the student athletes he now inspires. The 13-year, low-key coach was the architect that helped bring this latest glory to Montclair State. His past successes include steering the team to a 1993 national title and a runner-up finish in 1998.

The outstanding season record, which stands as the most wins accrued by the Red Hawks ball club, was 42-7-1. The Red Hawks enjoyed a terrific campaign, reaching number two in the national rankings, before suffering two losses in the New Jersey Athletic Conference Tournament. Their overall stellar record earned them a bid to the Mid-Atlantic Regional.

At the Regional, Montclair State overcame a 10-0 deficit in its opener against Allentown; eventually rallying for a 14-11 victory in a game that was delayed for two days by rain. Montclair State then won the rain-shortened regional the following day by beating Rowan and the College of New Jersey. The loss to SUNY-Cortland in the World Series opener might have demoralized a lesser team. The Red Hawks, however, made a remarkable turnaround and won five straight games in four days. The team beat Emory 5-0, Wartburg 7-2 and Allegheny 10-3.

As a former educator and collegiate baseball player, Mr. Speaker, I can think of no other team who works harder or loves the game more than the Red Hawks. I ask that you join our colleagues, Montclair State University, its faculty, administration, students, alumni, supporters and me in recognizing the outstanding and invaluable achievements of the Montclair State University Red Hawks, the NCAA Division III World Series champions.

Daily Digest

HIGHLIGHTS

Senate passed Disclosure of Political Activities bill.

The House agreed to the conference report on H.R. 4425, Military Construction and Supplemental Appropriations (H. Rept. 106-710).

The House passed H.R. Quality Health-Care Coalition Act.

The House agreed to H. Res. 535, Use of Budget Surpluses to Supplement Medicare Funding.

House Committees ordered 17 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S6041-S6183

Measures Introduced: Twenty-two bills and two resolutions were introduced, as follows: S. 2812-2833, and S. Res. 330-331. **Pages S6120-21**

Measures Reported: Reports were made as follows:

S. 2507, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with amendments. (S. Rept. No. 106-325)

S. 869, for the relief of Mina Vahedi Notash.

S. 2413, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests. **Page S6120**

Measures Passed:

Disclosure of Political Activities: By 92 yeas to 6 nays (Vote No. 160), Senate passed H.R. 4762, to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities, clearing the measure for the President.

Pages S6041-47

Legal Representation: Senate agreed to S. Res. 331, to authorize testimony, document production, and legal representation in *United States v. Ellen Rose Hart*.

Pages S6145-46, S6182

Labor/HHS/Education Appropriations: Senate continued consideration of H.R. 4577, making appropriations for the Departments of Labor, Health

and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, taking action on the following amendments proposed thereto: **Pages S6047-61, S6062-S6103**

Adopted:

By a unanimous vote of 98 yeas (Vote No. 161), Frist Modified Amendment No. 3654, to increase the amount appropriated for the Interagency Education Research Initiative. **Pages S6047-48**

By 60 yeas to 37 nays (Vote No. 162), Reid (for Conrad) Modified Amendment No. 3690, to establish an off-budget lockbox to strengthen Social Security and Medicare. **Pages S6053-56, S6058-61, S6062-67**

By 54 yeas to 43 nays (Vote No. 163), Ashcroft Amendment No. 3689, to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms. **Pages S6053-56, S6067**

By 58 yeas to 40 nays (Vote No. 165), Jeffords Amendment No. 3691, to prohibit health discrimination on the basis of genetic information or genetic services. **Pages S6067-78**

By 51 yeas to 47 nays (Vote No. 166), Nickles Amendment No. 3694, to increase access to health care and to protect consumers in managed care plans and in other health coverage. **Pages S6078-93**

Rejected:

By 44 yeas to 54 nays (Vote No. 164), Harkin (for Daschle) Amendment No. 3688, to prohibit health insurance companies from using genetic information to discriminate against enrollees, and to prohibit employers from using such information to discriminate in the workplace. **Pages S6048-53, S6067-78**

By 47 yeas to 51 nays (Vote No. 167), Dorgan Amendment No. 3693, to require a Federal floor

with respect to protections for individuals enrolled in health plans. **Pages S6078–93**

Pending:

Helms Amendment No. 3697, to prohibit the expenditure of certain appropriated funds for the distribution or provision of, or the provision of a prescription for, postcoital emergency contraception. **Pages S6094–95**

Wellstone Amendment No. 3698, to provide for a limitation on the use of funds for certain agreements involving the conveyance of licensing of a drug. **Pages S6095–99**

Harkin Amendment No. 3699, to fully fund the programs of the Individuals with Disabilities Education Act. **Pages S6099–S6103**

A unanimous-consent agreement was reached providing that the motion to waive the Budget Act for consideration of the pending Gramm point of order be withdrawn. **Page S6084**

A unanimous-consent agreement was reached providing for further consideration of the bill and pending amendments, on Friday, June 30, 2000, with votes to occur thereon. **Page S6093**

A further unanimous-consent agreement was reached providing that upon final passage of the bill, the Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate.

Defense Authorization: By prior unanimous consent, the adoption of McCain Amendment No. 3214 (agreed to by the Senate June 8, 2000), to S. 2549, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, was vitiated and, subsequently, the amendment was withdrawn.

Neotropical Migratory Bird Conservation Act: Senate concurred in the amendment of the House to S. 148, to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds, clearing the measure for the President. **Pages S6180–82**

Messages From the House: **Page S6116**

Measures Referred: **Page S6116**

Measures Read First Time: **Page S6182**

Communications: **Pages S6116–20**

Statements on Introduced Bills: **Pages S6121–43**

Additional Cosponsors: **Pages S6143–45**

Amendments Submitted: **Pages S6146–79**

Notices of Hearings: **Page S6179**

Authority for Committees: **Page S6179**

Additional Statements: **Pages S6109–16**

Enrolled Bills Presented: **Page S6116**

Privileges of the Floor: **Page S6180**

Nominations Confirmed: Senate confirmed the following nominations:

Daniel G. Webber, Jr., of Oklahoma, to be United States Attorney for the Western District of Oklahoma.

James L. Whigham, of Illinois, to be United States Marshal for the Northern District of Illinois.

Russell John Qualliotine, of New York, to be United States Marshal for the Southern District of New York.

Julio F. Mercado, of Texas, to be Deputy Administrator of Drug Enforcement, Department of Justice. **Page S6183**

Record Votes: Eight record votes were taken today. (Total—167) **Pages S6047–48, S6067, S6078, S6092–93**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:30 p.m., until, 9:30 a.m. on Friday, June 30, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6183.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported the following business items:

S. 2697, to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, with an amendment in the nature of a substitute;

S. 1155, to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, with an amendment in the nature of a substitute; and

S. 2811, to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants.

BUSINESS MEETING

Committee on Armed Services: Committee met in closed session and ordered favorably reported S. 2507, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency

Retirement and Disability System, with amendments.

NATIONAL MISSILE DEFENSE

Committee on Armed Services: Committee concluded open and closed hearings on the report of the National Missile Defense Independent Review Team to examine the progress being made toward the Deployment Readiness Review and towards the planned Initial Operating Capability of 2005 for a limited, C1 system, as well as the acquisition approach to, and testing of, the program, after receiving testimony from Lt. Gen. Ronald T. Kadish, USAF, Director, Ballistic Missile Defense Organization; and Gen. Larry R. Welch, USAF (Ret.), Institute for Defense Analyses, Alexandria, Virginia, on behalf of the National Missile Defense Independent Review Team.

PUBLIC FOREST LANDS

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded oversight hearings on the United States Forest Service's Draft Environmental Impact Statement for the Sierra Nevada Forest Plan Amendment, and Draft Supplemental Environmental Impact Statement for the Interior Columbia Basin Ecosystem Management Plan, after receiving testimony from Dale Bosworth, Regional Forester, Northern Region, and Bradley E. Powell, Regional Forester, Pacific Southwest Region, both of the Forest Service, Department of Agriculture.

NATIONAL PARKS

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded hearings on S. 134, to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area, S. 2051, to revise the boundaries of the Golden Gate National Recreation Area, S. 2279, to authorize the addition of land to Sequoia National Park, and S. 2512, to convey certain Federal properties on Governors Island, New York, after receiving testimony from Senators Feinstein, Moynihan, and Feingold; Representatives Lantos, Nadler, and Carolyn Maloney; Jacqueline Lowey, Deputy Director, National Park Service, Department of the Interior; Robert A. Peck, Commissioner, Public Buildings Service, General Services Administration; Bradford J. Race, on behalf of the Office of New York Governor George Pataki, Albany; Michael Carey, New York City Economic Development Corporation, New York; David Reed, Dillonwood, Quincy, California; Katherine Anderton, Save-the-Redwoods League, San Francisco, California; Annette Rose, Board of Supervisors of Marion County, San

Rafael, California; and William H. Meadows, The Wilderness Society, Washington, D.C.

SAFE DRINKING WATER ACT

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Drinking Water concluded oversight hearings on the implementation of the Safe Drinking Water Act, focusing on the primary statute for protecting public water supplies from harmful contaminants, after receiving testimony from J. Charles Fox, Assistant Administrator, Office of Water, and Norine E. Noonan, Assistant Administrator, Office of Research and Development, both of the Environmental Protection Agency; Gregg L. Grunenfelder, Washington Department of Health, Olympia, Washington, on behalf of the Association of State Drinking Water Administrators; Gurnie Gunter, Kansas City Water Services Department, Kansas City, Missouri, on behalf of the Association of Metropolitan Water Agencies; J. William Hirzy, National Treasury Employees Union Chapter 280, Erik D. Olson, Natural Resources Defense Council, and J. Richard Tompkins, National Association of Water Companies, all of Washington, D.C.; Michael J. Kosnett, University of Colorado Health Sciences Center Division of Clinical Pharmacology and Toxicology, Denver, on behalf of the National Research Council's Subcommittee on Arsenic in Drinking Water; David Paris, Manchester Water Treatment Plant, Manchester, New Hampshire, on behalf of the American Water Works Association; and Randy Van Dyke, Clay Regional Water, Spencer, Iowa, on behalf of the National Rural Water Association.

BROWNFIELDS REVITALIZATION

Committee on Environment and Public Works: Subcommittee on Superfund, Waste Control, and Risk Assessment concluded hearings on S. 2700, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, and to enhance State response programs, after receiving testimony from Timothy Fields, Jr., Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; Mayor J. Christian Bollwage, Elizabeth, New Jersey, on behalf of the United States Conference of Mayors; Mayor Preston A. Daniels, Des Moines, Iowa, on behalf of the National Association of Local Government Environmental Professionals; Jan H. Reitsma, Rhode Island Department of Environmental Management, Providence; Kevin P. Fitzpatrick, AIG Global Real Estate Investment Corporation, on behalf of the

Real Estate Roundtable, and William McElroy, Zurich U.S. Specialities, on behalf of the American Insurance Association, both of New York, New York; Alan Front, Trust for Public Land, Washington, D.C.; and Vernice Miller-Travis, Partnership for Sustainable Brownfields Redevelopment, Baltimore, Maryland.

RIISING OIL PRICES

Committee on Governmental Affairs: Committee concluded oversight hearings on rising oil prices and the efficiency and effectiveness of Executive Branch response, after receiving testimony from Ernest J. Moniz, Under Secretary for Energy, Science and Environment, and John Cook, Director, Petroleum Division, Energy Information Administration, both of the Department of Energy; Ohio Governor Bob Taft, Columbus; Connecticut Attorney General Richard Blumenthal, Hartford; Denise A. Bode, Oklahoma Corporation Commission, Oklahoma City; Phyllis Apelbaum, Arrow Messenger Service, Chicago, Illinois, on behalf of the Chicagoland Chamber of Commerce and the Messenger Courtier Association of the Americas; Red Cavaney, American Petroleum Institute, Washington, D.C.; and J. Louis Frank, Marathon Ashland Petroleum, Findlay, Ohio.

HUD'S GOVERNMENT INSURED MORTGAGES

Committee on Governmental Affairs: Permanent Subcommittee on Investigations held hearings to exam-

ine the adequacy of Department of Housing and Urban Affairs' policies and procedures for overseeing lenders that make mortgage loans insured by HUD's Federal Housing Administration, focusing on mortgage fraud commonly known as "flipping", which involves the purchase and then resale of property at greatly inflated prices, receiving testimony from Senator Mikulski; Stanley J. Czerwinski, Associate Director, Housing and Community Development Issues, Resources, Community, and Economic Development Division, General Accounting Office; Lisa Smith, Fresh Meadows, New York; Sonia Pratts, Hollywood, Florida; and Stekeena Rollins, Chicago, Illinois.

Hearings continue tomorrow.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 353, to provide for class action reform;

S. 2787, to reauthorize the Federal programs to prevent violence against women;

S. 2413, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests;

H.R. 3646, for the relief of certain Persian Gulf evacuees, with an amendment in the nature of a substitute; and

S. 869, for the relief of Mina Vahedi Notash.

House of Representatives

Chamber Action

Bills Introduced: 27 public bills, H.R. 4782–4808; 1 private bill, H.R. 4809; and 4 resolutions, H. Con. Res. 366–368, and H. Res. 543, were introduced. (See next issue.)

Reports Filed: Reports were filed today as follows.

Conference report on H.R. 4425, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001 (H. Rept. 106–710); and

H.R. 4541, to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, amended (H. Rept. 106–711, Pt. 1).

Pages H5460–H5532 (continued next issue)

Agriculture, Rural Development, FDA, and Related Agencies Appropriations: The House completed general debate and began considering amendments to H.R. 4461, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001.

Pages H5442 (continued next issue)

Agreed To:

Clayton amendment that increases funding for land-grant colleges and cooperative extension activities by \$6.8 million and decreases Agricultural Research Service funding accordingly; (See next issue.)

Weiner amendment No. 65 printed in the Congressional Record that reduces Animal and Plant Health Inspection Service funding by \$15,510, the amount used for the inspection of imported Iranian food products; (See next issue.)

Hayes amendment that clarifies that funding may be used to carry out research on the medical, biotechnological, food, and industrial uses of tobacco;

(See next issue.)

Berry amendment that eliminates funding for the Office of the Under Secretary for Natural Resources and Environment and transfers funding of \$693,000 to Resource Conservation and Development programs for resolution of small family farm and ranch regulatory issues with the Environmental Protection Agency; (See next issue.)

Kelly amendment No. 8 printed in the Congressional Record that strikes language that would prohibit the use of funding for the American heritage rivers initiative; (See next issue.)

Clayton amendment that makes available loans for a demonstration program in North Carolina to evaluate the use of modular housing for those who have lost housing because of a major disaster;

(See next issue.)

Stupak amendment No. 21 printed in the Congressional Record that increases funding for senior citizen meal providers, including meals on wheels programs, by \$20 million and decreases Public Law 480, Food for Peace, programs by \$30 million;

(See next issue.)

Reyes amendment No. 62 printed in the Congressional Record that strikes language that would prohibit funding to carry out a Colonias initiative without the prior approval of the Committee on Appropriations; and

(See next issue.)

Kaptur amendment that allows the United States Agency for International Development to employ contractors for administrative expenses and delivery of Public Law 480, Food for Peace commodities.

(See next issue.)

Rejected:

Metcalf amendment that sought to increase FDA funding by \$40,000 to validate the Tulane University Medical School diagnostic test on the Gulf War Syndrome and decrease USDA Departmental Administration funding accordingly; (See next issue.)

Ney amendment No. 18 printed in the Congressional Record that sought to increase funding for North Appalachian Experimental Watershed Research Station risk assessments by \$100,000 and decrease USDA administration, communications, and inspector general funding accordingly (rejected by a yea and nay vote of 94 yeas to 326 nays, Roll No. 359); (See next issue.)

Hefley amendment No. 1 printed in the Congressional Record that sought to eliminate the \$200,000 funding for the asparagus competitiveness grant and harvester (rejected by a recorded vote of 132 yeas to 287 noes, Roll No. 360); (See next issue.)

Sanford amendment No. 49 printed in the Congressional Record that sought to decrease special grants for agricultural research funding by \$14.4 million; and

(See next issue.)

Hefley amendment No. 2 printed in the Congressional Record that sought to eliminate the \$2 million funding for the Agra-Tourism program (rejected by a recorded vote of 94 yeas to 319 noes, Roll No. 361). (See next issue.)

Point of Order sustained:

Tierney amendment No. 22 printed in the Congressional Record that sought to make available

\$500,000 for a study by the National Academy of Science on genetically engineered products;

(See next issue.)

Kaptur amendment No. 14 printed in the Congressional Record that sought to increase Animal and Plant Health Inspection Service funding by \$53.1 million for emergency eradication of pest and plant infestations;

(See next issue.)

Miller of Florida amendment No. 43 printed in the Congressional Record that sought to prohibit the Commodity Credit Corporation from spending more than \$54 million for purchases of raw or refined sugar from sugarcane or sugar beets;

(See next issue.)

Withdrawn:

Kucinich amendment No. 42 printed in the Congressional Record was offered and withdrawn that sought to make available \$500,000 to the Food and Drug Administration for the purpose of drafting guidance for industry on how to assess genetically engineered food products for allergenicity until a predictive testing methodology is developed;

(See next issue.)

Agreed to H. Res. 538, the rule that is providing for consideration of the bill on June 28.

(See next issue.)

Military Construction and Supplemental Appropriations Conference Report: The House agreed to the conference report on H.R. 4425, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001 by a yeas and nays vote of 306 yeas to 110 nays, Roll No. 362.

(See next issue.)

Earlier agreed by unanimous consent to consider the conference report; that all points of order against the conference report and against its consideration be waived; that it be considered as read; and that H. Res. 540, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules be laid on the table.

(See next issue.)

Suspension—Supplemental Medicare Funding: The House agreed to suspend the rules and pass H. Res. 535, sense of the House concerning the use of additional projected surplus funds to supplement Medicare funding, previously reduced under the Balanced Budget Act of 1997 by a yeas and nays vote of 404 yeas to 8 nays, Roll No. 363. The House debated the resolution on June 28.

(See next issue.)

Quality Health-Care Coalition Act: The House passed H.R. 1304, to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plan and health plans and health insurance issuers in the same

manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act by a recorded vote of 276 yeas to 136 yeas with 2 voting "present", Roll No. 372.

(See next issue.)

Agreed to the Committee on the Judiciary amendment in the nature of a substitute made in order by the rule, as amended;

(See next issue.)

Agreed To:

Coburn amendment No. 5 printed in H. Rept. 106–709 that exempts discussions on requiring abortion coverage from collective bargaining negotiations (agreed to by a recorded vote of 213 yeas to 202 yeas with 1 voting "present", Roll No. 371); and

(See next issue.)

Davis of Illinois amendment No. 6 printed in H. Rept. 106–709 that expresses the sense of Congress that decisions regarding medical care and treatment should be made by the physician or health care professional in consultation with the patient.

(See next issue.)

Rejected:

Ballenger amendment No. 1 printed in H. Rept. 106–709 that sought to provide that the antitrust exemption shall not apply to various conditions including negotiations over fees, payments, or reimbursement and negotiations to permit health care professionals to balance bill patients (rejected by a recorded vote of 71 yeas to 345 yeas, Roll No. 367);

(See next issue.)

Stearns amendment No. 2 printed in H. Rept. 106–709 that sought to exempt groups of health care professionals engaged in negotiations with health plans from antitrust laws if the FTC or Department of Justice has certified that such negotiations would promote competition and enhance the quality of patient care (rejected by a recorded vote of 94 yeas to 320 yeas, Roll No. 368);

(See next issue.)

Cox amendment No. 3 printed in H. Rept. 106–709 that sought to provide that a physician may not be forced to join a union as a condition of employment by a health plan (rejected by a recorded vote of 201 yeas to 214 yeas, Roll No. 369); and

(See next issue.)

Terry amendment No. 4 printed in H. Rept. 106–709 that sought to provide that the antitrust exemption shall not apply to negotiations over fees (rejected by a recorded vote of 78 yeas to 338 yeas, Roll No. 370).

(See next issue.)

Agreed to H. Res. 542, the rule that is providing for consideration of the bill by a yeas and nays vote of 225 yeas to 197 yeas, Roll No. 365. Earlier, agreed to order the previous question by a yeas and nays vote of 241 yeas to 174 yeas with 3 voting "present", Roll No. 364.

(See next issue.)

Fourth of July District Work Period: House agreed to S. Con. Res. 125, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives. Earlier, agreed to H. Res. 541, the rule that provided for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period by voice vote. Pursuant to the rule, H. Res. 469 and H. Res. 482 were laid on the table. (See next issue.)

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Morella to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 10.

(See next issue.)

Calendar Wednesday: Agreed that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 12, 2000.

(See next issue.)

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until Monday, July 10, 2000, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

(See next issue.)

Abraham Lincoln Bicentennial Commission: The Chair announced the Speaker's appointment of Representative LaHood, Ms. Joan Flinspach of Indiana, and Mr. James R. Thompson of Illinois to the Abraham Lincoln Bicentennial Commission. Subsequently, read a letter from the Minority Leader wherein he announced his appointment of Mr. David Phelps of Illinois and Ms. Louise Taper of California to the same commission.

(See next issue.)

Motion to Adjourn: Rejected the LaHood motion to adjourn by a recorded vote of 135 ayes to 279 noes, Roll No. 366.

(See next issue.)

Senate Messages: Message received from the Senate today appears on page H5439.

Referrals: S. 2719 was referred to the Committee on Resources.

(See next issue.)

Amendments: Amendments ordered printed pursuant to the rule will appear in the next issue.

Quorum Calls—Votes: Three yea and nay votes and eleven recorded votes developed during the proceedings of the House today and will appear in the next issue. There were no quorum calls.

Adjournment: The House met at 10 a.m. and pursuant to S. Con. Res. 125, the House adjourned at 2:06 a.m. on Friday June 30, until 12:30 p.m. on Monday, July 10, for morning-hour debate.

Committee Meetings

AGRICULTURAL INPUT PRICES

Committee on Agriculture: Held a hearing to review factors affecting domestic and international agricultural input prices. Testimony was heard from Robert E. Robertson, Associate Director, Food and Agriculture Issues, GAO; and public witnesses.

LATIN AMERICA—TERRORISM AND THREATS TO U.S. INTERESTS

Committee on Armed Services: Special Oversight Panel on Terrorism held a hearing on terrorism and threats to U.S. interests in Latin America. Testimony was heard from public witnesses.

MEDICAL FINANCIAL PRIVACY

Committee on Banking and Financial Services: Ordered reported, as amended, H.R. 4585, Medical Financial Privacy Protection Act.

WELFARE REFORM

Committee on Education and the Workforce: Subcommittee on Postsecondary Education, Training, and Life Long Learning; and the Subcommittee on Human Resources of the Committee on Ways and Means held a joint hearing on Welfare Reform: Assessing the Progress of Work-Related Provisions. Testimony was heard from Cynthia A. Fagnoni, Director, Education, Workforce, and Income Security Issues; Ray Bramucci, Assistant Secretary, Employment and Training, Department of Labor; and public witnesses.

MISCELLANEOUS MEASURES; REPORT

Committee on Government Reform: Ordered reported the following bills: H.R. 4049, amended, Privacy Commission Act; H.R. 4744, Truth in Regulating Act of 2000"; H.R. 3454, to designate the United States Post Office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office"; H.R. 3909, to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the "Henry W. McGee Post Office Building"; H.R. 3985, amended, to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the "Vicki Coceano Post Office Building"; H.R. 4157, to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building"; H.R. 4430, amended, to redesignate the facility of the United States Postal Service located at 11831 Scaggsville Road in Fulton, Maryland, as the "Alfred Rascon Post Office Building"; H.R. 4517, to designate the facility of the United States Postal

Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr., Post Office Building"; H.R. 4484, to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building"; H.R. 4534, amended, to designate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building"; H.R. 4554, to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building"; H.R. 4615, to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office"; H.R. 4625, to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building"; H.R. 4658, to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the "J.L. Dawkins Post Office Building"; and H.R. 4437, amended, Semipostal Authorization Act.

The Committee also approved the following draft report entitled "Making the Federal Government Accountable" Enforcing the Mandate for Effective Financial Management".

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported H.R. 3673, United States Panama Partnership Act of 2000.

The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: amended, the Defense and Security Assistance Act of 2000; H.R. 4697, amended, to amend the Foreign Assistance Act of 1961 to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to promote transparency and increased accountability for all levels of government and throughout the private sector; H.R. 4002, amended, Famine Prevention and Freedom from Hunger Improvement Act of 2000; H.R. 4528, amended, International Academic Opportunity Act of 2000; H. Con. Res. 348, amended, Expressing condemnation of the use of children as soldiers and expressing the belief that the United States should support and, where possible, lead efforts to end this abuse of human rights; H. Con. Res. 232, amended, Expressing the sense of Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico; H. Con.

Res. 322, amended, expressing the sense of Congress regarding Vietnamese Americans and others who seek to improve social and political conditions in Vietnam; H. Res. 531, amended, condemning the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, urging the Argentine Government to punish those responsible; S. Con. Res. 81, expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire; H. Con. Res. 297, amended, Congratulating the Republic of Hungary on the millennium of its foundation as a state; and H. Con. Res. 319, congratulating the Republic of Latvia on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

INFECTIOUS DISEASES: A GROWING THREAT TO AMERICA'S HEALTH AND SAFETY

Committee on International Relations: Held a hearing on Infectious Diseases: A Growing Threat to America's Health and Security. Testimony was heard from David Satcher, M.D., Surgeon General, Department of Health and Human Services; David F. Gordon, National Intelligence Officer of Economics and Global Issues, National Intelligence Council, CIA; and David L. Heymann, M.D., Executive Director, Communicable Diseases, World Health Organization.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on the following bills: H.R. 4267, Internet Tax Reform and Reduction Act of 2000; H.R. 4460, Internet Tax Simplification Act of 2000; and H.R. 4462, Fair and Equitable Interstate Tax Compact Simplification Act of 2000. Testimony was heard from Ray Haynes, member, Senate, State of California; R. Michael Southcombe, Tax Commissioner, State of Idaho; Gary Viken, Secretary of Revenue, State of South Dakota; and public witnesses.

OVERSIGHT—INTERNET AND FEDERAL COURTS

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held an oversight hearing on The Internet and Federal Courts: Issues and Obstacles. Testimony was heard from Andrew Pincus, General Counsel, Department of Commerce; D. Jean Veta, Deputy Associate Attorney General, Department of Justice; Jeffery P. Kovar, Assistant Legal Advisor, Private International Law, Department of State; and public witnesses.

**ADOPTED ORPHANS CITIZENSHIP ACT;
OVERSIGHT—EVALUATING RELIGIOUS
WORKER VISA PROGRAMS**

Committee on the Judiciary: Subcommittee on Immigration and Claims began markup of H.R. 2883, Adopted Orphans Citizenship Act.

The Subcommittee also held an oversight hearing on Evaluating the Religious Worker Visa Programs. Testimony was heard from the following officials of the Department of State: Mildred Patterson, Managing Director, Visa Office; and John Brennan, Consular Office; Thomas Cook, Acting Assistant Commissioner, Adjudications, Immigration and Naturalization Service; Department of Justice; and Jess Ford, Associate Director, International Relations and Trade Issues, GAO.

COMMITTEE BUSINESS

Committee on Resources, Subcommittee on Energy and Mineral Resources approved for full Committee action a resolution finding that Mr. Keith Rutter refused to answer a pertinent question while testifying before the Subcommittee on May 4, 2000, and the facts of this refusal shall be reported by the Chairman of the Subcommittee to the full Committee on Resources for such action as the Committee deems appropriate and that the Subcommittee finds that Mr. Henry Banta and Ms. Danielle Brian Stockton refused to answer pertinent questions while testifying before the Subcommittee on May 18, 2000, and the facts of these refusals shall be reported by the Chairman of the Subcommittee to the Committee on Resources for such action as the Committee deems appropriate.

GREAT APE CONSERVATION ACT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action, as amended, H.R. 4320, Great Ape Conservation Act of 2000.

**OVERSIGHT—FOREST SERVICE
PERFORMANCE MEASURES**

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Forest Service Performance Measures. Testimony was heard from James E. Wells, Jr., Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, GAO; the following officials of the USDA: Vincette L. Goerl, Chief Financial Officer, Forest Service; and James R. Ebbitt, Assistant Inspector General, Audit; and Ross W. Gorte, Natural Resource Economist and Policy Specialist, Congressional Research Service, Library of Congress.

OVERSIGHT—CALFED PROGRAM

Committee on Resources: Subcommittee on Water and Power held an oversight hearing on the CALFED program. Testimony was heard from David Hayes, Deputy Secretary, Department of the Interior; Felicia Marcus, Regional Administrator, Region 9, EPA; Steven L. Stockton, Director, Programs Management, South Pacific Division, U.S. Corps of Engineers, Department of the Army, Department of Defense; Mary Nichols, Secretary for Resources, State of California; and public witnesses.

**FAA'S WIDE AREA AUGMENTATION
SYSTEM**

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Cost Overruns and Delays in the FAA's Wide Area Augmentation System and Related Radio Spectrum Issues. Testimony was heard from Gerald L. Dillingham, Associate Director, Transportation Issues, Resources, Community, and Economic Development Division, GAO; the following officials of the Department of Transportation: Steven Zaidman, Associate Administrator, Research and Acquisitions, FAA; and Kenneth M. Mead, Inspector General, and public witnesses.

**FEDERAL TAX LAWS—COMPLEXITY IN
ADMINISTRATION**

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Complexity in Administration of Federal Tax Laws. Testimony was heard from Charles O. Rossotti, Commissioner, IRS, Department of the Treasury.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D686)

H.J. Res. 101, recognizing the 225th birthday of the United States Army. Signed June 28, 2000. (P.L. 106-227)

**COMMITTEE MEETINGS FOR FRIDAY,
JUNE 30, 2000**

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Governmental Affairs: Permanent Subcommittee on Investigations, to continue hearings to examine the nationwide crisis of mortgage fraud, 9:30 a.m., SD-342.

House

Committee on Appropriations, Subcommittee on the District of Columbia, hearing on Management Reform in the District Government, 10 a.m., 2359 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on Black-Tar Heroin, Methamphetamine, Cocaine, Illegal Immigrants Continue to Flood U.S. from Mexico, 9:30 a.m., 2247 Rayburn.

Subcommittee on the District of Columbia, hearing on Beyond Community Standards and a Constitutional Level of Care? A Review of Services, Costs, and Staffing Levels

at the Corrections Medical Receiver for the District of Columbia Jail, 10 a.m., 2154 Rayburn.

Committee on Resources, to consider the following measures: S. 1288, Community Forest Restoration Act; H.R. 4275, Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000; and H.R. 4340, Mineral Revenue Payments Clarification Act of 2000, 11 a.m., 1324 Longworth.

Next Meeting of the SENATE

9:30 a.m., Friday, June 30

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, July 10

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 4577, Labor/HHS/Education Appropriations, with votes to occur on certain pending amendments and final passage; following which, Senator Domenici will be recognized to speak as if in morning business.

Senate may consider the conference report on H.R. 4425, Military Construction Appropriations.

House Chamber

Program for Monday: To be announced.

Extension of Remarks, as inserted in this issue

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(House proceedings for today will be continued in the next issue of the Record.)



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