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House of Representatives

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 652 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 652

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

☐ 1130

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 652 is a typical rule providing for consideration of H.R. 2614, the conference report for the Certified Development Company Program Improvements Act of 2000.

The rule waives all points of order against the conference report and its consideration and provides the conference report shall be considered as read.

House rules provide 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Small Business and one motion to recommit, with or without instructions, as is the right of the minority Members of the House.

I want to discuss briefly the conference report this rule makes in order. It includes important small business tax relief, community renewal and retirement security provisions, as well as

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WILLIAM M. THOMAS, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
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long-term care and health care initiatives that benefit all Americans. In addition, this bipartisan measure includes H.R. 5538, legislation introduced by the gentleman from Ohio (Mr. TRAFICANT) to raise the minimum raise. This bipartisan language is patterned after the Traficant-Martinez amendment passed by the House earlier this year.

First, I am pleased that H.R. 2614 contains important tax relief provisions to help ease the burden on small businesses. It will also allow small businesses to expense additional qualifying properties costs, speed up the phase-in for deduction of meal expenses, and extend income-averaging benefits for farmers to include commercial fishermen. The conference report will also extend the Work Opportunity Tax Credit to assist businesses in hiring disadvantaged workers and repeal the installment method accounting requirement, an issue on which many of us have heard from our constituents.

H.R. 2614 also contains much needed provisions to increase retirement security for working people. It raises IRA limits to $5,000 and increases the contribution limits for 401(k)-type plans to $15,000. This bill also increases the portability of retirement plan assets and simplifies the pension system to encourage small businesses to offer pension plans.

This conference report also creates 40 Renewal Communities with targeted pro-growth tax benefits, regulatory relief, savings accounts, brownfields cleanup, and homeownership opportunities. It also includes a zero capital gains tax rate for business assets in these communities. These and other provisions will help ensure that all communities have an opportunity to share in our current prosperity.

I am pleased that conferees also included long-term care health care incentives to help make care more affordable and accessible. A substantial deduction for expenses related to long-term care and deductibility for the purchase of long-term care insurance policies will help ease the burden on seniors and their families.

H.R. 2614 also provides immediate 100 percent deductibility for health insurance for the self-employed and health care deductibility for people who purchase health care outside of their employer.

Finally, I am pleased that the conferees included the foreign sales corporation tax revision in this conference report. This provision will maintain current tax treatment for foreign sales corporation beneficiaries in a manner that the U.S. believes to be WTO compliant. I commend the conferees for the inclusion of this revision so important to our U.S. trade and our ability to compete in world markets.

This rule was favorably reported by the Committee on Rules. I urge my colleagues to support the rule today on the floor so that we may proceed with the general debate and consideration of this important conference report.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER), my friend, for yielding me the customary time, and I yield myself such time as I may consume.

Mr. Speaker, this rule really makes a mockery of the legislative process. I strongly urge my colleagues to oppose it, not only for the substance of the bill, but also for the process by which it is being brought to the floor.

Just to give my colleagues a little bit of the background, just before midnight last night, the Committee on Rules was informed that we would not meet until 8 o'clock this morning and that the House would stay in recess until we completed the consideration of these rules.

Once we met at 8 o'clock and filed the rules, the House adjourned immediately, and it immediately reconvened. This convoluted process has been in order to stretch one calendar day, the 26th of October, into two legislative days. The reason for that, Mr. Speaker, is because my Republican colleagues are then able to bring up a number of rules to the floor the very same day that they were reported out of the Committee on Rules. This way Members, particularly Democratic Members, have virtually no idea what is in these bills, especially, Mr. Speaker, since we were excluded from all the negotiations.

Mr. Speaker, this bill contains major unrelated provisions that look like everything but the kitchen sink. The tragic part, Mr. Speaker, it still does not do enough for high school construction or high school modernization.

Democrats want $25 billion in interest-free school construction financing over the next 10 years with prevailing wage protections. But, instead, this bill contains a school arbitrage provision which will only help schools that can delay school construction for 2 years.

Mr. Speaker, this is essentially a tax incentive to keep children in trailers and in dilapidated school buildings rather than building new schools. It contains only half of the Johnson-Rangel interest-free construction funding, and it leaves out the prevailing wage protections.

The first provision in the bill is a small business bill that is not particularly objectionable. The second is an excellent idea to raise the Federal minimum wage from $5.15 an hour to $6.15 an hour over 2 years.

Mr. Speaker, of the 10 million people who work for minimum wages in this country, most of them are women and minorities. They take care of our young children. They take care of our elderly parents. They cook our meals. They pump our gas. They clean our offices. They really deserve a raise.

But since this long overdue raise is being included in an otherwise bad bill, it very well might not get signed into law, and that might be just the way that my Republican colleagues want it.

The third provision is a package of tax cuts designed primarily to benefit the very rich, which will endanger our Social Security and Medicare by spending the budget surplus.

In order to enact the third provision of the bill, it also includes a fourth provision which would exempt, listen closely, this would exempt this enormous tax cut for the rich from the pay-go sequester that would automatically force cuts in Medicare, student loans and farm programs.

Essentially, Mr. Speaker, my Republican colleagues are turning off the effects of the current law to pass their tax cuts for the rich, even though these tax cuts will have a disastrous effect on the economy. As far as the pay-go scorecard goes, thanks to this bill, these tax cuts are free and so is every other entitlement increase and tax cut that we do in this Congress.

Mr. Speaker, the fifth provision is known as the balanced budget amendment fix. When my Republican colleagues passed the so-called balanced budget, they caused very dangerous cuts in Medicare. Hospitals, many of them in my district, found themselves faced with bankruptcy. Everyone, including my Republican colleagues, knew they had made a mistake and they needed to fix it.

So in response, this bill will replace some of the money that they so carelessly cut, but it is tilted dramatically in favor of HMOs and does not do anywhere near enough for the hospitals. Only about 15 percent of the Medicare enrollees are in HMOs, but the HMOs get 40 percent of the money in this bill. That, too, Mr. Speaker, may be a deal breaker.

Finally, Mr. Speaker, the sixth provision overturns Oregon's assisted suicide law.

In short, Mr. Speaker, this is a very important bill with very far-reaching consequences that has not even had the benefit of proper legislative consideration. Like so many other bills this session, it will help rich people instead of helping the working American families.

I urge my colleagues to oppose the previous question so that we can offer a Democrat alternative.

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

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am just rising out of confusion as to whether the gentleman from Massachusetts (Mr. MOAKLEY) states that raising IRA limits to $5,000 is a tax cut for the rich. Does increasing contribution limits for 401(k) plans for regular workers, is that a tax cut for the rich? How about increasing the portability of retirement plans so people can move from one job to another? Is that just for the rich?

If we simplify the pension system to encourage small businesses to offer their employees pension plans, is that

another tax cut for the rich? We have got some small business tax relief in here to allow them to expense certain kinds of costs. Is this tax cuts for the rich? Or has the gentleman from Massachusetts (Mr. MOAKLEY) just pulled out on old speech and rerun it one more time?

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

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a pretty sad day in the House of Representatives. Yes, as the gentleman from Georgia (Mr. LINDER) just stood up a moment ago and mentioned, there are a couple of provisions in this bill that actually before today have seen the light of day, have gone through the legislative process, have been voted on by this House, such as the pension reform provisions, which I supported. But one cannot mix those up with a number of other things that have never ever gone through committee, never been voted on, never been published.

Sometime between midnight and 7 a.m., behind closed doors, a few Republican leaders cobbled together a year-end tax bill designed to get a veto from the President so they can say, ''Look what we would have done if only Bush, Jr., was in the White House. Look what we will do next year. We will give the HMOs all the money, lock, stock and barrel. We will sell out the patients. No Patients' Bill of Rights. No quality controls. No cost controls. But billions more for the HMO plans, a blank check.'' That is in this bill.

There are other outrageous provisions, but I have got to focus on one that is extraordinarily outrageous. Twice, two times, two times the people of Oregon have gone to the ballot box, once by initiative and once by referral from a Republican legislature, to uphold the principle of assisted suicide, death with compassion for people with terminal illness.

Now, if the right wingers around here are offended by that, every other day of the week, they are for States' rights. But guess what? When a State does something they do not like, they are not for States' rights anymore.

They passed the bill in the House to overturn this, but we got more than a third of the votes. We could uphold the veto by the President. They could not even get the bill up in the Senate. They could not get it through the regular legislative process.

And sometime between midnight and 7 a.m., at the behest of a few very powerful right-wing Members of the majority, this legislation overturning the will of the people of the State of Oregon was inserted into this miscellaneous tax bill. This is an outrageous abuse of legislative power.

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

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

Mr. WELLER. Mr. Speaker, I rise in strong support, not only of this rule, but of this legislation. This afternoon, we are going to vote on a pretty modest package of tax relief as well as a very generous contribution of additional funding for reimbursements for Medicare. That is what this legislation contains.

So the most important provisions are provisions such as those which help working people, working families where we allow people to set aside more for retirement, more for their savings, by increasing what one contributes to their IRA from $2,000 to $5,000, if one has a 401(k), increasing it from its current level from $10,000 to $15,000, tax savings to help one save for the future.

I also note that we have special provisions which will benefit working moms. I think of my sister Pat, who does not want everybody to know, but she is over 50. She has taken a few years out of the workforce. Now she is back in the workforce, a little extra income. She can make up her missed contributions to her IRA and 401(k) she was not able to make when she was at home with the kids. That is a good provision to help working moms and working people.

I also want to point out this legislation helps the entrepreneurs, the self-employed. A lot of people have talked about it. This legislation does it. We give 100 percent deductibility for the self-employed for their health insurances. Corporations have gotten it for years. The self-employed only get 60 percent. It is time we give them 100 percent.

□ 1145

I also want to point out another large group of working folks that benefit. We repeal the section 415 limits that have penalized 10 million building trade union members, building tradesmen and people who have their pensions limited unfairly because of section 415. I think of Larry Kohr from La Salle County, Illinois, a retired laborer who currently gets about $16,000 a year. He will receive almost $30,000, what he should be receiving for his pension, thanks to this legislation. That is good for working folks.

As we work to revitalize our blighted communities, I am proud to say that we expand the low-income housing tax credit, a key initiative that Ronald Reagan signed into law that enlists the private sector to, of course, create affordable housing for working poor and low-income families. As a result of this, we will probably see another 30,000 units of affordable housing provided every year as a result of the increase from the low-income housing tax credit.

Something else that is important in the Chicago area. We have about 2,000 brownfields. These are old industrial sites. Every community has one, but we have about 2,000 in the Chicago region. Of course, because of the financial costs of the environmental cleanup, private investors are hesitant to buy that old industrial park on the side of town, so that old industrial park just sits there and blights the community. We expand the current brownfields tax incentive, which means that every community in America, whether a middle-class community, a suburban community, a rural community, or the big cities, if they have a brownfield, a private investor can fully deduct, 100 percent, the environmental cleanup costs. That will help the communities, and it is good for the environment.

Lastly, I want to point out something that is pretty important. For a lot of us, our biggest employers in town are our local hospitals, our nursing homes, our home health care. We care about health care in this House, and we want to ensure that we have quality affordable health care. Because of the way the Health Care Financing Administration has interpreted the Balanced Budget Act, they have squeezed our local hospitals, they have squeezed our local nursing homes, they have squeezed and hurt home health care. They have pushed providers out of Medicare+Choice. Because of the pressure of the Health Care Financing Administration, this Congress last year set aside an additional $16 billion to increase reimbursements for local hospitals and nursing homes as well as home health care to help our seniors and to help families.

That is good news, but I want to point out we need to do more, and I really want to salute the leadership in this House for realizing that we need to do more in Medicare. We provide $28 billion of additional reimbursements to help ensure that we provide quality health care to our local hospitals, our local nursing homes, our local home health care, and ensure that seniors have a choice in Medicare by ensuring that we have providers that get fair reimbursement for participating in Medicare+Choice.

This is good legislation. We are hearing the usual rhetoric on the other side, the partisan rhetoric. We are 12 days from election. We expect that. But this is good legislation that helps a lot of people all throughout America. It helps people save for retirement, it revitalizes communities, and ensures we have quality health care in our local communities. The bottom line is it is a good bill, and it is legislation that comes at a modest cost that will help a lot of people. I urge bipartisan support.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, this rule paves the way for the cruelest hoax

that the Republicans have yet perpetrated on seniors, children, and the health care system in our country.

Forty-seven percent of this bill over 10 years goes to managed care plans without asking the managed care plans to do a thing except raise their own profits and put the money in their pockets. Ninety-four percent of the tax cuts go to people who are already insured. What does that do? That just gives the employers an incentive to cut back on insurance benefits, as they are doing every day. Sure, it helps the rich employers while it penalizes the poor employees.

Long-term care tax deductibility. Fifty percent of the seniors are living on incomes of less than $15,000 a year. What does that do for the seniors when we have ignored long-term care benefits that we should have.

Children's benefits have been dropped out of this bill. Lou Gherig benefits. Eighty-two Republicans co-sponsored a bill, along with 200 Democrats, to give improved benefits to people with Lou Gherig's disease. It was dropped out. Cruel.

Forty-seven percent going to managed care plans, where we do not have any control, where we need the Patients' Bill of Rights. What could we do with that money? We could expand the hospital aid for an additional year. We could expand hospice care for an additional year. We could withhold the 15 percent cut on home health care for an additional year. Why are we not doing that instead of giving this to the Republican friends in the managed care companies who will see nothing but their prices go up on Wall Street while they continue to deny care and deny drug benefits and fold up their tents and leave smaller communities?

Nothing in this bill will change that. It will reward the managed care plans for basically harming the beneficiaries and our seniors. That is not the way to go about this.

This is a bill constructed to help the small percentage of the rich. It is a bill purposely crafted to deny children's health benefits. Children cost $400 or $500 a year to insure. A child without health insurance is a child without health care. The Republicans take great joy in telling us we are going to deny children health benefits. That is not the kind of people we want to have running this country.

We should protest this bill to show that the Republicans have no mercy for children, no mercy for the seniors. They care nothing except for the very richest. They will deny health care if it helps the employers at the cost of the employees. Call this bill what it is. It is an arrogant play of pandering to the rich, of pandering to the wealthy at the expense of the poor and the people without health insurance.

They should be ashamed of themselves for this bill. The President will veto it, as well he should. I urge a ''no'' vote and a ''no'' on the rule.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), and just comment that I will put the gentleman from California down as undecided.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time and congratulate him on the hard work that he has put into this measure.

Let me say that as I listened to my fellow Californian talk about this measure, it sounded as if he was disturbed over the fact that we are not moving in the direction of establishing a national health care plan. That really seems to be the goal that a number of people have, moving towards single payer.

What this bill does specifically is it provides incentives for people to plan and create more choices when it comes to the area of health care. It provides a substantial deduction for expenses related to long-term care; it provides deductibility for the purchase of long-term care insurance policies; it provides an immediate 100 percent deductibility for health insurance for the self-employed; and it provides health care deductibility for those who purchase health care outside of their employer.

The idea here is to provide a wider range of choices rather than getting the government more and more involved in the issue of health care.

Let me talk about a couple of other very important provisions in this measure, Mr. Speaker. Sitting over here is my good friend, the gentleman from Ohio (Mr. TRAFICANT). He has worked long and hard, as the gentleman from Georgia said in his opening statement, to put together a bipartisan package which I am happy to say was introduced with our now Republican colleague, another fellow colleague, the gentleman from Californian (Mr. MARTINEZ), to deal with the issue of the minimum wage.

It is clear I have not been a supporter of the Federal Government imposing a minimum wage, but I do want to say that the gentleman from Ohio (Mr. TRAFICANT) deserves a great deal of credit for the bipartisan effort that he has put into this, and I want to congratulate him for that.

I also want to say that as we look at these measures that have been mischaracterized by our friends on the other side of the aisle, I think we have to really sort of open up and look at what exactly we have here. There is nothing in here that is designed to benefit the rich. Quite frankly, I am one who is proud of doing what we can to create more incentives for those who have been successful. I make no bones about that. I am a proponent of encouraging even more people to join the investor class.

The fact is, if we look at the provisions which allow for the increase to $5,000 for contributions to individual retirement accounts, up to $15,000 for 401(k)'s, those are designed to try to help middle-income Americans who are working and want to have an opportunity to plan and save for their retirement. That is something that has enjoyed, again, very much bipartisan support here.

As I listened to my friend from Oregon a few minutes ago talking about these issues which had not passed the House, staff has just informed me as we go through this litany of items here, everything has passed through the House, most of it with strong bipartisan support.

I will tell my colleagues that when we look at the extraordinarily important measure in here, I do not know how the President could possibly consider vetoing legislation that includes this very important community renewal and the provisions that are there which are designed to go in to areas that have been devastated economically and zero out capital gains. The capital gains incentive, by zeroing it out, would encourage investment and say to those who are less fortunate that there is going to be an opportunity for them to in fact get on to that first rung of the economic ladder and pull themselves up.

That is exactly what has been put together here, again in a bipartisan way. The President has been supportive of that measure, and that is one of the bulwarks of this bill.

So here we are in the waning hours of the 106th Congress. We are hoping to complete our work today. The President can help us do that by signing this very balanced piece of legislation, which is encouraging economic growth, and is designed to help people plan and save for both retirement and their health care, it targets the inner city blighted areas so that we can encourage investment there to improve the quality of life for those who are less fortunate in this country, and it provides very important relief for the signal business sector of our economy.

It is a balanced measure. It deserves our support, as does this rule, and I urge my colleagues in a bipartisan way to vote for this measure and then to encourage the President to do the right thing and sign this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time.

This bill contains a provision that would overturn Oregon's Assisted Suicide Law. Now, I appreciate the fact that we were given a whole day to debate this bill, and it was an up-and-down vote. We got enough votes if the President decided to veto it that we could uphold that veto.

On the Senate side we were told that it would not be attached to another bill; that it would be a fair fight; that, again, it would be an up-and-down vote. And here we stand today at the end of the session with a piece of legislation that contains a lot of provisions

I like in it. But I will tell my colleagues something that is more important to me. More important to me than anything else is our system of democracy. More important to me than anything else is the people's right to vote and that their voices are heard and that their vote counts for something.

In our State, not once but twice, people said we want physician-assisted suicide. Somehow or another my colleagues here seem to know better. They seem to say that they do not care about the people's vote; that it does not count; they do not care that the people's voices are not heard; they know better; they are going to overturn the people's law.

Well, let me tell my colleagues two things: one, they are overturning the will of the people of my State; and, number two, they are breaking promises. This promise was made that it would be an up-and-down vote on the Senate side; that it would not be attached to this bill. Yet here we find that happening today.

I urge my colleagues to vote ''no'' on this rule.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Speaker, there is no one in the House I respect more nor love more than the gentleman from Massachusetts (Mr. MOAKLEY), so I hope he will not be offended by what I have to say. I think it is time to tell it like it is.

Democrats were in power for 48 years. They did not reform welfare, they did nothing about prescription drugs, they did not reform the IRS. They would not even hold hearings on a Traficant bill that made a big difference, and I am proud of that.

Look back at the minimum wage, I think the Republicans raised the minimum wage the last two times. I support the rule, I support the conference report, and I want to thank the Republican leadership for giving me the courtesy to sit down on the minimum wage issue, so important to America and to my district.

The gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, did not want a minimum wage increase.

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There are parts of this bill I do not find all that great. But the President is absolutely an expert at reconciling differences. And no one better than the Speaker and the gentleman from Florida (Mr. YOUNG) and the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY) and their staff, the gentleman from Georgia (Mr. LINDER), they have gone to them. And his statement is for the betterment of America. Let us find common ground. Mr. President, let us find the time to find common ground.

There is pension reform in this bill. The earned income tax provisions are good. Let us get off the class warfare on the tax cuts. My colleagues, what good is the minimum wage of $1 an hour over 2 years if the boss cannot afford it and lays off the very people we are trying to help the most? Give the boss a break.

The Republicans are right. How much more of this Democrat versus Republicans, liberals versus conservatives? It may be good for politics or for winning the majority, but it is bad for America because it ends up being rich versus poor, men versus women, old versus young, black versus white, ''the haves'' versus ''the have-nots.'' If there is no company, there is no job.

Let us get off it. This is nothing but political machinations to who is going to run this place. The American people want this conference report. They may not like all of it, but they know we have the leadership in the gentleman from Florida (Mr. YOUNG) to sit down with the President and work it out, for the Speaker to sit down and to make those compromises that are necessary.

I would just like to close by saying this: It is time to close the Congress. It is time to pass this conference report. And for those Democrats who are going to come out here for partisan reasons and vote against this bill, they may encourage the President to veto it, but, in my opinion, they are not vetoing a bad bill, they are vetoing a bill that is good for the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) very much for yielding me the time.

I am very delighted to follow my colleague because I know his sincerity. I do not think any of us want to divide black or white or brown, we do not want to divide Americans. But I believe what we want to do is to say to America we accept the challenge to do better.

I want this rule defeated so that we can go back to the drawing board and do better. And the reason why I say that is because I have lived the experience of hospitals being closed in Texas.

Some 10 to 15 years ago, the Attorney General of the State of Texas appointed me to an advisory committee to explain and to advise how we could restore rural health centers and rural hospitals. In Texas they were closing even then. I would imagine that Americans would tell me about hospitals that closed 20 years ago, 5 years ago, 10 years ago, or yesterday. What a tragedy for communities that have to travel miles away from their neighbors to get health care.

And so, this rule should be defeated, Mr. Speaker, because $11 billion goes to insurance companies. I am crying out for my rural and urban hospitals, public hospitals where they take their children, where they take their old mother or father, their aunts or their neighbor. Why am I giving $11 billion to insurance companies and doors of my hospitals still closing? I want my hospital CEOs in my district who know that I have been on the front line on this issue to understand why I want this rule defeated.

Mr. Speaker, we can do better for Americans. Do not give this money to the HMOs. They are not guaranteeing any guaranteed prescription drug benefit. In fact, one of the HMOs said, it is really hard to enhance our drug benefit for seniors. They do not want to work on this problem. We need this money going directly to the providers.

And what is happening to the home health care centers? They are getting zero, no money. And if any of my colleagues have dealt with them, they know that many of their relatives prefer going to those home health care centers that give them personalized treatment.

We can do better for America united. Do not divide us. Send this rule back and defeat this bill.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to stress that my opposition to the rule and this bill is not based on any ideology or any politics, Democrat or Republican. The problem here is that this bill is not going to help the average American. And that is what we are all concerned about, and we are all united to try to help the average guy.

I heard the chairman of the Committee on Rules say that he supports this bill because it is going to help the investor class or get more people in the investor class. Well, let me tell my colleagues, if I am a person that does not have health insurance and I am not getting it through my employer, I am the little guy, I am not going to be able to take advantage of whatever tax deduction is in here to buy health insurance and to get myself an insurance policy. It is not going to happen.

The bottom line is that we know that the reason why most people do not have health insurance today who are employed is because the employers do not provide the insurance.

There is a disincentive with this above-the-line health insurance deduction for the employer to continue or to expand health insurance for their employees. So we are going to have more people join the ranks of the uninsured. This notion that somehow they are going to be able to take this deduction and buy health insurance is a lot of garbage. It is not going to happen.

Secondly, let me talk about the hospitals that are suffering. I had a hospital in my district that closed and others that have the potential to close because they are not getting enough

money from Medicare from the Federal Government.

Do not tell me that we are going to give this money to the HMOs, something like 40 percent of the funds, and we are not going to help our hospitals, our home health care agencies, our nursing homes. Many of them are bankrupt and closing. If we are going to do anything to help with the reimbursement rate, it should be to those providers, the hospitals, so they do not close.

What about the HMOs? The HMOs that are benefiting from this bill are having no strings attached to the extra money that they are getting. They do not have to stay in the Medicare program. And many of them have moved out of it. Something like 700,000 seniors who were in HMOs have been dropped by HMOs in the last couple years. So no strings attached. They get the money. They do not have to stay in the Medicare program.

Nor do they have to do anything about their benefits. They do not have to guarantee they are going to provide prescription drugs. They do not have to do anything to increase the benefits.

The HMOs are getting a sweetheart deal, and they are doing nothing for the American people in return. Vote against this rule. Vote against this bill. It does not help the average guy. Forget the ideology. It does not help the average American.

Mr. MOAKLEY. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, this bill and this rule are useful in one sense, and that is that it really shows what the majority is all about. Truly, it makes a mockery of all the talk about bipartisanship. There was not, in the last 24 hours, I think, 1 minute of discussion between the majority leadership and the minority leadership. There was no effort to dialogue with the administration. Instead, I guess the majority thought they would put together a stew of the bad and the good and try to get this through.

There has been a lot of talk about compassion in this campaign. This makes a mockery out of the talk on the majority side about compassion. They delete provisions regarding pregnant women and children. They delete the provision for people with Lou Gehrig's disease, just among a couple of important aspects of this.

And then, look, hospitals in my district, many of them are in trouble. And so what they do is hand a bundle, 40 percent, to HMOs and they shortchange the hospitals that really need it.

Whose side are they on?

So they want a Presidential veto. I would have thought they would have learned by now. They are going to get one. The President will get on the bully pulpit, as he can do so well, and tell America what this bill is all about. And I hope he takes that pulpit all around this country. Because this puts in place what Republicans are really all about.

Halloween, it unmasks their efforts on compassion. It takes the mask off all of this talk about bipartisanship. This is a totally partisan effort on their part, and I think it will not pay them dividends on November 7 and it will hurt the American people.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I was not going to speak on this. But listening to some of this heated rhetoric, I really feel compelled to respond.

I cannot really understand why these people are so opposed to this bill. In fact, we heard our colleague from New Jersey just a few moments ago say that this would not work.

I have to ask, what are we afraid of? What is wrong with allowing 100 percent deductibility for health insurance for the self-employed? I mean, as far as I am concerned, this Congress should have done that a long time ago.

Look at the other provisions in this bill. Now, I must tell my colleagues that I am not a big fan of some of these omnibus bills and putting a lot of things that may not be related into the same bills. But the truth of the matter is, as I look through the provisions of this bill, virtually every one of them is going to benefit somebody.

Now, we do not have many HMOs in my district. I would like to have HMOs. I would like to give people more choices. Now, we can argue whether too much went to this particular group and too much went to the other. There is no such thing as a perfect balance. But I think, on balance, this is a very good bill. This does a lot of things for an awful lot of people. I think the hospitals, the nursing homes, the people back in my district are going to be very happy with this bill.

Now, how we got into this mess we can all debate about. But this is the right thing to do. And I have to ask my colleagues, what are they afraid of? What is it in this bill that somehow is going to make matters worse for people who need health care, for people who need to go to nursing homes, for people who want to deduct their health insurance premiums, for those people who want to make larger contributions to their IRAs.

I mean, with the long list of good things that is in this bill, I am somewhat surprised at the incredibly heated rhetoric that we are hearing on this rule.

So I stand in strong support of this rule and in support of the underlying bill.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader of the House.

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

Mr. GEPHARDT. Mr. Speaker, I rise in strong opposition to a Republican tax package that reflects this Congress at its worst. This package reveals the larger flaws of the Republican tax philosophy that have been on exhibit over these past years, really a 6-year attempt to give tax cuts to people and institutions that do not need them and not giving tax relief to people and institutions that need tax relief.

First, there is nothing in this bill that guarantees a single new school will be built. The only thing we have had from Republicans is a consistent effort to fuzz the issue of who is for school construction and who is against it.

Two days ago, Republican leaders rejected the bipartisan Johnson-Rangel bill supported by 228 Members, Democrats and Republicans, to help districts with school construction; and they came up with a different plan that was a day late and a dollar short.

The largest part of that plan creates incentives that we think actually delay school construction, and half the benefit does not even go to school districts but to bondholders, private investors, not children, not principals, not teachers, but bondholders.

□ 1215

This is a typical ploy, part of an effort to fool people into thinking that they support education. This has become an exercise in illusion.

They put forward school construction provisions that bear resemblance to Democratic and bipartisan bills in name only. They trudge to the Capitol and hold press conferences a few hours ago and talk about middle-class fairness when nothing could be farther from the truth. We call on the leadership to bring up the bipartisan school construction measure to help modernize our schools in the Labor-HHS-Education bill. The Johnson-Rangel bill reduces the burden on local taxpayers struggling to finance new school construction in their communities. We further urge the leadership to set aside their opposition and drop the tax cuts that really do not perform a useful function. They should provide enough funding for teachers, emergency school repairs, after-school programs, teacher training and put all of these measures in the Labor-HHS-Education bill so that the President can sign a bill that improves our schools this year in all of these ways.

This package is just as flawed on the health care side. After blocking an effective Patients' Bill of Rights, an effective prescription drug benefit under Medicare, now Republicans come forward with a package that does not help the vast majority of Americans or square with the needs of working families. The BBA piece does not do enough for people and hospitals and gives too much for HMOs. Their deductions will

not substantially reduce the number of Americans without health insurance, they weaken employer-based health coverage, and they do virtually nothing for families who provide their own long-term care.

We support restoring cuts to Medicare. We want tax relief. In fact, the President and Democrats have put forward a sensible bill that helps fix the problems for providers and beneficiaries in Medicare and Medicaid and gives relief to families and hospitals that truly need it. But Republicans choose to go behind closed doors and not tell us what is in their tax package until a few hours before it comes on the floor. They choose the path of conflict, not consensus. Dictation, not dialogue.

Well, the President is going to veto this bill; and we are going to be right back here where we started passing more CRs because we were unable to do the work of working with one another to get the job done. The package we reject today reflects the larger problems with misplaced priorities, misplaced tax cuts, and raids on Social Security.

Just today, a nonpartisan group of financial experts predicted that Governor Bush could not cut taxes and divert Social Security payroll taxes without blowing a huge hole in the budget. The Nation's best economists and actuaries found that by 2015, Governor Bush's plan would return us to the days of big deficits. His plan would undermine Social Security, and we would be headed right back to where we were in a sea of red ink in the 1980s. This makes clear that the Bush plan would weaken Social Security and ruin fiscal discipline.

So we are not getting our work done. We are not hiring a single new teacher. We are not improving a single new school building. We have not spent a dime on quality teaching and after-school programs. We need to make the passion and purpose of this Congress in its closing days our children, our public schools, our teachers, our parents, our children, making sure that every child in this society is a productive, law-abiding citizen. We are now going to have to pass a new CR every day because we are behind in our work. Let us get to work together to find a consensus to get these things done and get them done in the next 2 days.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

I am confused. I was sent down here to discuss the rule on a tax bill, and we have just debated the Bush-Gore presidential race. I am glad he got the time to do it because it shows that those folks in charge for 8 years did not get any of the things done that he wanted done.

POINT OF ORDER

Mr. RANGEL. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman will state his point of order.

Mr. RANGEL. Mr. Speaker, I would ask the Parliamentarian whether it is within the rules of this House for a person to discuss the presidential campaign in the course of our legislative debate.

The SPEAKER pro tempore. All Members should conform their remarks to the pending legislation.

Mr. LINDER. I do believe that is a point I was making after the gentleman from Missouri (Mr. GEPHARDT) spoke that he did nothing but speak about the presidential race.

Mr. Speaker, I am happy to yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of the rule, and I regret to say that I think it is a sad day on this House floor when the minority leader confuses issues so completely as to mislead the American public. For him to say there is not one penny in this bill for teacher training or after-school care, is misleading. Those things are in the appropriations bill. That is, in the health and human services appropriations bill, and we will discuss that tomorrow; and I am proud that in that bill there is more money for public education than the President asked for. It is a good bill. But we will talk about that tomorrow.

This is a tax bill. Of course it does not appropriate dollars for those purposes. I am very proud that in this bill we move from $400 million for school construction to almost $16 billion to help our towns and cities construct and modernize their schools. Is it my bill and the gentleman from New York's bill, which I thought was the best bill? No, it is not exactly. But it does apportion the money the way we did in our bill, and it does put lots more money out there. And yes, the money goes directly to the cities.

So to pretend that there is no help for our towns and cities is misleading. It may not be the $25 billion I wanted or exactly the bill I thought was a better distribution mechanism and I certainly do think the bill that the gentleman from New York and I worked out was the best. Nonetheless, this bill does increase school construction funding dramatically, more than any other year and more than any year when the Democrats were in total control of this House and the Senate. This is a great leap forward for our towns and cities.

Let us look at Medicare. The Medicare section is far more money, by about a third, than the President proposed only a few weeks ago. The hospitals are going to benefit. The home health care agencies are going to benefit. The nursing homes are going to benefit. And frankly they are desperate for that help. I would certainly hope that the President does not veto this when it not only provides more money for Medicare providers than he proposed, but also a bill of rights for Medicare recipients that participate in Medicare+Choice plans. We have been trying to do this for ages. The average appeal time for a Medicare recipient appealing a denial of care under Medicare is 500-plus days if it is in one part of Medicare and almost 300 days in the other part. Yes, I am sorry we did not do a Patients' Bill of Rights for people under 65. But let us do Medicare Patients bill of Rights and add-backs so the providers will flourish and be able to provide care not only to our seniors but our community hospitals will survive to provide care to everyone.

Let us also remember that this is a great step forward in providing patient rights for seniors under Medicare+Choice. So maybe it is not everything the President wants. He was not very clear about that. His only objection was in the managed care plus choice plans where he said we were doing too much. We are only doing 3 percent. That is less than we are doing for hospitals, less than we are doing for other providers, and those managed care choice plans are providing more for my low-income severely ill seniors than Medicare is. That is why they like them.

I am hearing more about the anguish and fear of my seniors who are losing their managed care choice plans than I am about their desire for prescription drugs. They want prescription drugs, but they are panicked because they are losing their managed care choice plans. And they are not even eligible for MediGap coverage. They either cannot afford it, or they are excluded for preexisting conditions. So while the President says 3 percent is too much, it is less than we are giving anybody else, and these plans, until we modernize Medicare and make it a better program for all, these plans must be kept alive because they are providing crucial care for very poor and ill elderly.

And you know who is going under next? It just amazes me. The next group of plans to pull out are the group that serves New York City and the suburbs. It is the densely populated areas where any plans are surviving at all. They are the next to go out. Mark my words, because we are only doing 3 percent, our seniors in those areas are going to suffer.

I want to say one other thing about the tax provisions. As I walk through the factories in my district, the small factories where the factory owner is not able to provide 100 percent of the premiums for health care, the employees at the machines, the workers, are carrying 50 percent of their premiums. They will be able to deduct this cost under this bill. The high earners already get full medical care, and the company takes the deduction for their premium. This is about the little guy who either has to pay his own premium or 50 percent of his premium.

This is a good bill. It goes to the heart of working men's needs and working women's needs for health care, for opportunities for pension savings, for jobs in our most debilitated urban areas and for Medicare for our seniors. Maybe it is not everything the President wants, but there is not anything in here that most Members have not already voted for. Do not let the politics

of the presidential race be the enemy of progress for working people in America.

PARLIAMENTARY INQUIRY

Mr. MOAKLEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOAKLEY. Mr. Speaker, is it proper for a Member to say that a Member is misleading the public by a statement he makes here on the floor?

The SPEAKER pro tempore. The rules of decorum in debate prohibit any descent to personalities.

Mr. MOAKLEY. So it is not in order for a Member to say that a Member intentionally misled someone by his statements?

The SPEAKER pro tempore. If it is an accusation of deceit, the gentleman is correct.

PARLIAMENTARY INQUIRY

Mr. LINDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, if a speaker on the floor makes a statement that is incorrect and someone corrects the statement, such as there is no money in here for school construction and in fact there is $15 billion, is that a statement of derision against the speaker or a correction of facts?

The SPEAKER pro tempore. The rules of the House would distinguish between deceit and mistake.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Speaker, I am glad that the gentlewoman from Connecticut is on the floor with all of her candor. I would ask the gentlewoman from Connecticut to pay particular attention to what I am saying so that she might take down my words if they appear to mislead. Because I know that the President of these United States has written to the Republican leadership to say basically, Can we talk? Can we talk taxes? Can we talk about a $250 billion tax cut over 10 years?

I know that. I also know that the Republican leadership, rather than take these tax issues to the United States Congress, rather than take them to the House of Representatives, rather than take them to the committee which the gentlewoman from Connecticut and I are privileged to serve, sought not to take it to the Committee on Ways and Means. I would think the best way to deal with this is to leave the floor because the deception that is going on here today is that most people thought that when we adjourned yesterday, we adjourned yesterday.

I want my words taken down to say that it is a fraud on the American people to say that we adjourned yesterday 8 o'clock this morning in order to trick the American people into believing that yesterday is today. If you want to take my words down, we will go to the Parliamentarian and ask does that make any sense.

Does it make any sense to have a tax bill not come out of the tax committee? How dare them think that is what is best. The gentlewoman from Connecticut said that she and I had come to a state of mind in terms of a bill that has 230 cosponsors as to how we can modernize and how we can construct new schools.

□ 1230

Would Republican leadership talk with Democrats about how we could work out something, like the gentlewoman from Connecticut (Mrs. JOHNSON) and I have worked out? Would they call the White House and ask whether or not they can work out something?

For whatever reason, the Republicans are looking for a train wreck. They are asking for a veto, because each and every thing that the President has asked for they gave it to him, but put in a poison pill with each and every one of those things.

Sure, we want to improve the Medicaid and Medicare bill and give it back. Why is it you leave out hospitals and put in HMOs? There are things we can do, not as Democrats, not as Republicans, but as Members of Congress.

All of a sudden we are supposed to go home now and say we do not need the Congress. A handful of Republicans can ignore the President; a handful of Republicans. They do not go to the Republican committee members, they do not go to their Democrat counterparts, they do not go to the President of the United States. They just figure that they are going to get out of here and just are going to bring anything to the floor.

Well, it is not going to work that way. If we want to get out of here with some semblance of mutual respect, if we want to give credibility to the House of Representatives, we have to respect our committee system, and no one is going to tell us what to do and what to vote for and what to pass, and the President reserves the right to veto.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to make note that the letter the President sent us after we had passed this original bill in the spring of this year, the letter he sent us that asked could we sit down and talk about taxes, arrived yesterday.

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

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, the citizens of America entrust us with running their Nation. We are going to be asked in less than 3 hours to vote on a 960-page document that was just delivered to the House. No one knows what is in it. There could be a tax on handguns; there could be a tax on cigarettes; they could bring back prohibition. Neither the Speaker of the House nor the gentleman from Georgia (Mr. LINDER) have any idea what is in this bill. But if the House votes for it and the Senate votes for it, it becomes the law of the land, until it is repealed. That could take 1 year, that could take 100 years.

This Nation squanders $1 billion on interest on the debt. I hear my Republican colleagues say we finally turned a profit. We have an $8 billion surplus for the first time in 30 years. I would tell you that surplus compared to the debt is like a person who, for 30 years, has been charging things to his Visa card and finally breaks even at the end of 1 year and has $1,000 left, and says, ''Honey, let's go blow it,'' ignoring the fact that he is $686,000 in debt on his credit cards. That is the comparison of this year's surplus to the accumulated debt of $5.7 trillion.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

Would that the rule that we are debating here today simply had given us a tax bill that somebody may be able to comprehend. As my colleague from Mississippi pointed out, there is nobody in this Chamber that knows exactly what they are voting on.

I look forward to the debate later today on the merits of the proposals that we have heard argued briefly before us. But this rule snuck in provisions that are extraneous to taxation.

I give you just one example: It does not just overturn Oregon's death with dignity law, the only such provision in the United States, but it would criminalize the critical doctor-patient relationship dealing with the management of pain.

This is something that is objected to by a number of medical societies around the country. Any thinking professional who considers the potential of criminalizing this sensitive relationship understands on this basis alone it calls for the rejection of the rule and the underlying bill.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a no vote on the previous question. Only by defeating the previous question will the House be allowed to vote on the Democratic alternative.

Our plan would include an increase in the minimum wage. Our plan would include targeted tax credits. It would provide $25 billion in real school construction and modernization financing with the prevailing wage protections. Our plan would improve Medicare, Medicaid, children's health benefits, and would include many, many other items.

Mr. Speaker, I include for the RECORD the text of my amendment.

PREVIOUS QUESTION AMENDMENT CONFERENCE REPORT ON THE SMALL BUSINESS INVESTMENT ACT

At the end of the resolution insert the following;

''Sec. 2. Upon adoption of this resolution, the House shall be considered to have adopted a concurrent resolution introduced by Representative Gephardt on October 26, 2000, directing the Clerk of the House of Representatives to make corrections in the enrollment of the conference report on H.R. 2614 to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes. The concurrent resolution deemed to have been adopted by the House shall consist of the Democratic alternative to the conference report including an increase in the minimum wage, targeted tax relief—including $25 billion in real school construction and modernization financing with prevailing wage protections—and Medicare, Medicaid and SCHIP benefit improvements and protections, and other matter.

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

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD a list of 40 or 50 health care organizations, from the Federation of American Hospitals, American Cancer Society, et cetera, who are in support of this bill and the provisions in it.

FEDERATION OF AMERICAN HOSPITALS,
Washington, DC, October 19, 2000.

Hon. DENNIS HASTERT,
Speaker of the U.S. House of Representatives, Washington, DC.

Hon. TRENT LOTT,
Majority Leader of the U.S. Senate, Washington, DC.

DEAR LEADER(s): On behalf of the nation's 1,700 privately-owned and managed hospitals, the Federation of American Hospitals is pleased to offer its strong support of the Medicare, Medicaid & S-CHIP Beneficiary Improvement & Protection Act of 2000. In the wake of the unintentionally negative impact of the Balanced Budget Act of 1997 (BBA), hospitals and health providers across the country have struggled financially, straining their ability to provide quality patient services. This legislation is a major step toward addressing some of the excesses in the BBA, and restoring stability to our health care delivery system.

By providing hospitals with a full inflation update for fiscal year 2001, Congress will allow us to be better prepared to meet the costs of delivering care to the millions of patients that we annually serve. By addressing excessive reductions in Medicaid, in Medicare Disproportionate Share payments, and in payments for indigent care, the bill targets its assistance at the precise payment policies that have so negatively impacted hospitals in recent years. Would hospitals like more relief, for a longer duration, including the restoration of our full inflation update for 2002? Certainly, but we appreciate the significant assistance of this bill. Above all, we want to ensure that the relief that is included in this package becomes low before Congress adjourns.

In addition to the broader provisions that impact all hospitals, the bill also includes significant provisions to assist rural hospitals, hundreds of whom are Federation members. Among numerous important rural provisions, the changes to the Medicare DSH program thresholds that will allow far more rural hospitals to participate, may be the most important. Many struggling hospitals in rural communities, serving predominantly low-income populations, will receive vital new assistance that will allow them to maintain services to poor Medicare patients.

Finally, this summer, after many years of development, hospitals moved to outpatient prospective payment (PPS). Despite improvements under the new outpatient PPS, beneficiary copayments remain high for some services due to historical design flaws in the program. This bill will significantly reduce many of those copayments, lowering costs to seniors.

These are just a few of the many positive provisions that have been included in this legislation to help patients and their health care providers. As a result, the Federation strongly supports the Medicare, Medicaid & S-CHIP Beneficiary Improvement & Protection Act of 2000. We will work with Congress and the President to encourage its swift enactment.

We look forward to working with Congress and the Administration to further educate our leaders on the difficulties facing our health providers. Both the President and Congress have shown a significant appreciation for the reimbursement problems facing our hospitals, and we hope that we can continue this dialogue. Only with a sustained bipartisan dialogue can our hospitals, and our biggest insurer—the government—continue to provide the world's finest health care in an increasingly complex fiscal environment.

Sincerely,

THOMAS A. SCULLY,
President & CEO.

NATIONAL ASSOCIATION OF COMMUNITY HEALTH CENTERS, INC.,
Washington, DC, October 18, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, United States Capitol Building, Washington, DC.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, United States Capitol Building, Washington, DC.

DEAR MAJORITY LEADER LOTT AND SPEAKER HASTERT: On behalf of the National Association of Community Health Centers (NACHC), thank you for your efforts to protect health care access for more than 11.5 million medically underserved Americans by including the Medicaid prospective payment system for Federally qualified health centers in the final version of BBA relief legislation.

As you know, the BBA eliminated a fundamental underpinning of America's health center safety net by phasing-out and eventually terminating the Medicaid cost-based reimbursement system for Federally qualified health centers. Health centers believe that your efforts to include a new prospective payment system for health centers in your BBA relief legislation is essential to their continued survival and will ensure that they remain a viable part of America's health care safety net.

Thank you again for your commitment to protecting health centers through your BBA relief legislation. Enactment of this prospective payment system is essential to protect the struggling health care safety net and will ensure the place of health centers in providing access to care for millions of uninsured Americans. We stand ready to work with you to make meaningful BBA relief for health centers a reality.

Please feel free to contact me if there is anything that I can do for you.

Sincerely,

THOMAS J. VAN COVERDEN,
President and CEO.

AMERICAN MEDICAL REHABILITATION PROVIDERS ASSOCIATION,
Washington, DC, October 19, 2000.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN ROTH: The American Medical Rehabilitation Providers Association (AMRPA) thanks you for your leadership in securing passage of the ''Medicare Medicaid and SCHIP Beneficiary Protection Improvement Act of 2000.'' This legislation will provide crucial and immediate relief to Medicare providers adversely affected by cuts imposed by the Balanced Budget Act of 1997 (BBA 97). We strongly support its immediate passage.

In particular, we would like to thank you for ensuring inclusion of two provisions addressing concerns of the rehabilitation hospital industry. Section 305 of the Act will eliminate, for FY 2002, a two percent cut on overall rehabilitation spending imposed by BBA 97. This provision will help shore up the financial strength of the industry as we begin the transition to a prospective payment system (PPS). Section 305 of the Act also gives rehabilitation facilities which are ready to proceed immediately to full PPS reimbursement the opportunity to do so, rather than requiring them to gradually transition over a two-year period as in BBA 97. Fully funding this provision helps to ensure the ability of rehabilitation providers to provide high quality, cost-effective care during the PPS transition.

As indicated in MedPac's June 1999 report citing the decrease in rehabilitation hospital margins to 1.8%, rehabilitation hospitals nationwide have been hurt substantially by funding cuts under the Balanced Budget Act of 1997. If additional funding becomes available for short-term relief for providers, we respectfully request that you consider making the 2% restoration effective July 1, 2001 and extending the psych hospital provision in Section 306 to include rehabilitation hospitals and units.

Please know that your leadership is appreciated by the rehabilitation hospital industry, and by hundreds of thousands of rehabilitation patients served by rehabilitation hospitals nationwide. We hope we can count on Congressional intervention for future additional financial relief for rehabilitation hospitals. Thank you again.

Sincerely,

EDWARD A. ECKENHOFF,
Chairman.

HEALTH SOUTH,
Birmingham, AL, October 19, 2000.

Hon. JIM MCCRERY,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MCCRERY: Please accept this as my sincere thanks and appreciation for all of your efforts with the ''Medicare Refinement and Benefits Improvement Act of 2000.'' It is because of men such as yourself that give their attention to matters of concern to all people that we are able to make progress in much needed areas.

Rehabilitation hospitals across the nation will benefit from this legislation but greater still will be the benefit to the patients. Your help and continued support of this issue is again deeply appreciated.

Best regards,

RICHARD M. SCRUSHY,
Chairman of the Board & Chief Executive Officer.

NATIONAL ASSOCIATION OF LONG TERM HOSPITALS,
Stoughton, MA, October 19, 2000.

Via Facsimile Only

Hon. WILLIAM M. THOMAS,
Chairman, Committee on House Administration, Longworth House Office Building, Washington, DC.

Hon. WILLIAM V. ROTH, Jr.,
Senator, Hart Senate Office Building, Washington, DC.

Hon. MICHAEL BILIRAKIS,
Representative, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS, SENATOR ROTH AND REPRESENTATIVE BILIRAKIS: I am writing you in my capacity as President of the National Association of Long Term Hospitals (''NALTH'') to express the strongest possible support for Medicare program and payment refinements which are presently pending before Congress. Long term hospitals are particularly dependent on Medicare program policy. Typically 60% to 70% of all patients admitted for inpatient services in long term hospitals are Medicare beneficiaries. These individuals constitute perhaps the most profoundly ill and disabled segment of Medicare beneficiaries since they all require an atypically long hospital stay and specialized programs of care.

Congressional proposals relating to long term hospitals implement long standing bipartisan recommendations of policy makers to achieve the development of a long term hospital prospective payment system and, in the interim, to equalize the payment system. These payment and policy changes are desperately needed in order to support the multitude of programs and dedicated personnel who serve this very vulnerable Medicare population.

I wish to underscore that the failure to implement these provisions, at this time in light of past reductions of payments to long term hospitals, would have an immediate and direct adverse affect on hospital employees and programs.

NALTH is appreciative of the thoughtful approach which Congress has taken on these issues and is mindful that it is important that the entire hospital industry achieve a baseline of economic health in order to support the continuum of care which is so important to Medicare beneficiaries.

We believe it is important that the President assume a leadership role with his colleagues in Congress and approve all Medicare refinements proposed by Congress.

I wish to thank members of Congress for all of their efforts to secure and improve the Medicare program with this very important legislation.

Sincerely,

GERALDINE BRUECKNER,
President.

ACUTE LONG TERM HOSPITAL ASSOCIATION,
Alexandria, VA, October 19, 2000.

Hon. JIM MCCRERY,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MCCRERY: On behalf of the nearly 100 hospital-members of the Acute Long Term Hospital Association (ALTHA), I would like to express our sincerest gratitude for your leadership and commitment toward ensuring final passage of the Medicare Refinement and Benefits Improvement Act of 2000. We are particularly grateful for your strong efforts to secure inclusion of the following provisions: Sec. 210, which increases potential reimbursements and requires HCFA to develop a workable PPS system by October 1, 2002, and ensures that long term care hospitals, and only long term care hospitals (as defined by law) will be eligible for reimbursement under the new system; Sec. 404, which imposes a 2 grandfather clause on HCFA's pending provider-based status rule, and substitutes HCFA's ''75/75 zip code'' scheme with a more reasonable 35-mile zone provision; and Sec. 202, which increases reimbursement for bad debt.

Please do all you can to ensure these provisions remain and the bill is passed into law in this session of Congress. Once again, we greatly appreciate your leadership and strong efforts on behalf of our patients and our hospitals.

Sincerely,

S. BRADLEY TRAVERSE,
Executive Director.

NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS,
Alexandria, VA, October 19, 2000.

Hon. WILLIAM M. THOMAS,
Chairman, Subcommittee on Health, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Association of Children's Hospitals (N.A.C.H.), I am writing to thank you for your recognition of the different financial circumstances of children's hospitals and your efforts to address their concerns with the Medicare outpatient prospective payment system (OPPS).

In particular, we appreciate the inclusion of a change in the application of the Medicare OPPS to children's hospitals in both the Ways and Means Health Subcommittee's ''Medicare Benefit and Improvement Act'' and the consolidated legislation you are developing to amend those health related provisions of the ''Balanced Budget Act of 1997,'' which threaten to jeopardize the financial stability of different health care providers. Your proposal will treat children's hospitals the same as cancer hospitals for purposes of Medicare OPPS implementation, which will ensure that children's hospitals are effectively held financially harmless.

This legislative action is important to take into account the disproportionately large adverse effect that the Medicare OPPS could have on children's hospitals' ability to serve those children who qualify for Medicare. It is even more important to demonstrate to other payers of health care, which seek to model their reimbursement systems on Medicare's, that without adjustment, the adoption of the OPPS system used by Medicare can put children's hospitals at financial risk and would be inappropriate.

Any change in outpatient reimbursement methodology, such as the new Medicare OPPS, which does not reflect children's unique health care needs, can significantly affect children's hospitals' fiscal health overall, because the volume of outpatient care they provide is substantial and the greatest growth in their patient care is in outpatient services. For example, on average in FY 1998, a typical large freestanding children's acute care hospital provided care for children in more than 220,000 outpatient visits, eight percent more than in FY 1997.

Thank you again for focusing on the unique outpatient needs of children's hospitals.

Sincerely,

PETERS D. WILLSON,
Vice President for Public Policy.

KENNEDY KRIEGER INSTITUTE,
Baltimore, MD, October 19, 2000.

Hon. WILLIAM ROTH,
Chairman, Senate Finance Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN ROTH: On behalf of Kennedy-Krieger, a unique children's hospital which addresses the needs of children with severe disabilities, we are expressing our enthusiastic support for the conference report on the Medicare and Medicaid refinements legislation.

Included in the bill is a provision which treats children's hospitals in the same manner as cancer hospitals with respect to the Medicare hospital outpatient prospective payment system (OPPS). This provision will be of great assistance to us as we work to serve out community by performing at the highest level while providing the greatest value possible for those children who obtain services through the Medicare program.

We respectfully request that this provision become law this year, and we are grateful for your efforts.

Sincerely,

GARY GOLDSTEIN, M.D.,
President.

RURAL HEALTH CLINICS,
Washington, DC, October 18, 2000.

Hon. DENNY HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER HASTERT AND MAJORITY LEADER LOTT: This letter is written in support of the agreement you have reached on Medicare and Medicaid refinements legislation. As you know, this bill makes a number of important changes that will greatly enhance the ability of Rural Health Clinics to continue to deliver high-quality, cost-effective health care in underserved rural communities. We are particularly pleased that you have included the language of the Safety Net Preservation Act of 1999.

We are urging you colleagues in the House and Senate to support your package of changes and we are also asking President Clinton to support this package as well. We believe it is extremely important that Congress and President Clinton act on your proposal as quickly as possible. As you know, Rural Health Clinics are particularly vulnerable to the adverse effects of low Medicaid payments and your proposal ensures that Medicaid payments for RHC services are predictable and adequate.

This legislation represents a major improvement in the Medicare and Medicaid programs for both providers and beneficiaries. Your hard work and dedication to improving access to care for underserved population is is greatly appreciated.

Sincerely,

BILL FINERFROCK,
Executive Director.

NATIONAL ASSOCIATION OF URBAN CRITICAL ACCESS HOSPITALS,
Washington, DC, October 19, 2000.

Hon. THOMAS BLILEY, Jr.
Chairman, House Commerce Committee, Washington, DC.

DEAR CHAIRMAN BLILEY: On behalf of the National Association of Urban Critical Access Hospitals (NAUCAH), I would like to thank you for this opportunity to comment on your agreement on the Medicare and Medicaid Refinement legislation. We are appreciative of congressional efforts to restore funding for hospitals significantly impacted by the Balanced Budget Act of 1997 (BBA). NAUCAH supports several of the provisions contained in this restoration package aimed at providing additional relief from the devastating impact of the BAA for hospitals that treat a large number of low-income seniors.

NAUCAH is a nationwide coalition of private, non-profit, large urban hospitals that treat a significant number of Medicare and Medicaid patients. Approximately 275 hospitals in the U.S. today meet these criteria. Urban critical access hospitals are very much a part of the health care safety net in

the U.S. today. In most communities in which they are located, they are the primary sources of care for the urban elderly and poor, if not the only source.

Because of our significant number of low-income seniors, the impact of the BBA Bad Debt reduction, the Medicare Disproportionate Share Payments reductions, and Medicaid Disproportionate Share Hospital limit reductions is particularly burdensome on NAUCAH hospitals. NAUCAH hospitals rely on these payments for their survival.

NAUCAH strongly supports the provision in your restoration package, which provides for the immediate restoration of Medicare bad debt reimbursement from 55 percent to 70 percent. NAUCAH hospitals, by definition, treat a large number of low-income seniors who are the poorest and often sickest of the elderly. Low-income seniors, at or near the poverty level, are the most likely Medicare beneficiaries to be unable to pay their co-payments and deductibles. Consequently, NAUCAH hospitals have higher proportions of Medicare bad debt than other hospitals and reductions in these payments impact our hospitals to a greater degree than other hospitals. You have shown your understanding of the significant financial impact Medicare bad debt payments have on hospitals like ours by your willingness to increase the level of Medicare bad debt funding.

NAUCAH also supports the provision of your package, which freezes the BBA reductions in the Medicaid Disproportionate Share Hospital (Medicaid DSH) program for fiscal year 2001 and then correspondingly increases funding by the CPI. As you know, our hospitals provide a large amount of care to Medicaid recipients. Restoration of the Medicaid DSH limits will ensure that our state Medicaid agencies will not have to reduce our Medicaid revenues. However, our state Medicaid programs generally like to plan for longer terms than one year. It is difficult to predict how our state Medicaid agencies will react to short term changes in federal policy. This in turn makes it difficult for us to plan for the future, since we depend on these payments for a significant portion of our overall revenue. For this reason, while we are pleased with your provision for Medicaid DSH, we would have preferred a policy that would have lasted for a longer period to allow stability in our state Medicaid programs. Nonetheless, we cannot overstate our appreciation for a one-year freeze and we hope that we have convinced you that a long-term freeze of the Medicaid DSH reduction is important and will be seriously considered when this issue is discussed in the future.

In addition to Medicaid DSH, Medicare disproportionate share hospital payments (Medicare DSH) are an important part of the overall revenue of NAUCAH hospitals. Medicare DSH payments are made as part of the Medicare inpatient program and are intended to help ensure Medicare beneficiaries access to hospitals in their communities which might be impacted by the significant number of low-income patients they treat. NAUCAH supports your provision that freezes reductions to Medicare DSH and fully restores Medicare DSH in 2003.

We strongly believe that any revisions to the current Medicare DSH program that would increase the numbers of hospitals eligible for Medicare DSH payments or increase payments to some sets of hospitals, requires additional funding rather than reductions in payments to hospitals that presently receive Medicare DSH funds. NAUCAH hospitals are an integral part of the nation's safety net and cannot afford reductions in Medicare DSH payments if they are to continue to serve in this capacity. NAUCAH supports your language that provides additional Medicare DSH payments to rural and small urban hospitals without taking money away from large urban providers.

Once again, NAUCAH appreciates this opportunity for input. While we continue to ask that a provision to freeze the Medicaid DSH reductions for an additional year be added to the restoration package if an opportunity to do so becomes available this year, we are pleased that the concerns of the nation's private safety-net hospitals were seriously considered as this year's legislation was being crafted. The much-needed relief is sincerely appreciated. It is clear to us that you are concerned about the role that Medicare and Medicaid programs play in financing the safety-net for NAUCAH hospitals and that you considered our requests to be necessary and reasonable.

We look forward to working with you in the future on these issues so vital to the health care needs of America's low-income city residents.

Sincerely,

CHARLES L. DEBRUNNER,
Executive Director.

AMERICAN MEDICAL GROUP ASSOCIATION,
October 19, 2000.

Senator TRENT LOTT,
Senate Majority Leader,
Washington, DC.

DEAR SENATOR LOTT: As the 106th Congress enters its final session, the American Medical Group Association (AMGA) would like to take this opportunity to commend members of Congress for their hard work and diligence on a Medicare ''givebacks'' bill. The Beneficiary Improvement and Protection Act of 2000 (BIPA) is a positive step in restoring many of the unanticipated cuts suffered by Medicare providers as a result of the Balanced Budget Act of 1997 (BBA). AMGA has had an opportunity to view the bill in its entirety and would like to offer our full endorsement.

AMGA represents over 300 medical practice groups employing over 60,000 physicians in 41 states. Our members are the physician providers for over 30 million patients. AMGA members are among the largest and most prestigious medical groups in the country and include such renowned organizations as the Mayo Foundation, the Palo Alto Medical Foundation, the Lahey Clinic, the Henry Ford Health System, the Cleveland Clinic, and the Permanent Federation, Inc. AMGA's mission is to improve the health care environment by advancing accessible, high quality, cost-effective, patient-centered and physician-directed health care.

There are several aspects of the bill that we feel would greatly benefit our members. AMGA specifically supports the following provisions:

AMGA supports the elimination of the payment reductions for Indirect Medical Education (IME).

AMGA supports the clarification of physician certification.

AMGA supports a Medicare demonstration project for group practices.

AMGA supports provisions relating to the increased reimbursement for medicine services.

AMGA applauds the additional relief for rural hospitals. This is important to our members that provide access to basic health care services for Medicare and Medicaid beneficiaries.

AMGA believes that many of the managed care provisions will not only be beneficial to our members but will also afford better care to the patients we serve. AMGA specifically supports several provisions in the bill relating to managed care:

AMGA supports a $475 floor as well as the $525 urban floor for metropolitan statistical areas with populations of 250,000 people or more as current reimbursement amounts are inadequate.

AMGA supports the 10% phase-in of the risk adjuster, which will greatly benefit individuals with chronic conditions.

AMGA supports expansion of application of entry bonus payments in 2001 that will facilitate greater participation from all health care providers.

AMGA enthusiastically supports and applauds BIPA, and believes that it represents a significant step in the right direction of restoring equity to health care providers. Each of the provisions mentioned above will not only allow AMGA members to continue to participate in the Medicare program but also facilitate it. We encourage members of Congress to work together in a bipartisan manner to make sure this bill is passed and signed into law. We encourage Democrats and Republicans to come together to vote for this bill, as it will greatly enhance the availability of health care services to all Medicare beneficiaries. Lastly, we encourage the President to sign this bill and restore many of the unanticipated cuts.

Thank you for your consideration.

Sincerely,

DONALD W. FISHER, PH.D., CAE
President and Chief Executive Officer.

MISSISSIPPI HOSPITAL ASSOCIATION,
Jackson, MS, October 23, 2000.

Hon. TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: On behalf of the Mississippi Hospital Association I want to express our appreciation for the exemplary work that you have done in regard to the House/Senate GOP package for Balanced Budget Act relief. The $28 billion five-year package, which includes $10 billion in assistance to hospitals, is a vital step in providing them relief from the unintended consequences of the '97 BBA.

I understand the tough position with which you are faced in attempting to balance the needs of numerous constituencies, the House of Representatives and the White House.

Thank you for your support of the hospital industry and the patients and families we serve.

Sincerely,

SAM W. CAMERON,
President and CEO.

October 19, 2000.

Hon. FRED THOMPSON,
U.S. Senate, Washington, DC.

DEAR SENATOR THOMPSON: On behalf of more than 150 hospitals and health systems in Tennessee, I would like to thank you and your staff for your continued support of meaningful relief from the Balanced Budget Act of 1997 (BBA). We sincerely appreciate your diligent efforts to provide ''give backs'' to providers for some of the unintended Medicare cuts that are quickly approaching two times the amount that Congress originally intended.

We applaud your committee's work as the first to endorse the notion of a two-year full inpatient market basket update—an idea that THA strongly supports. In the remainder of the draft compromise language, I am confident that you have also created some real relief in many of the provisions as included by your committee. Specifically, we continue to strongly support your:

increases in the inpatient, outpatient, SNF and home health market basket updates;

increases for Medicare bad debt reimbursement;

improvements in Medicare DSH both in terms of overall payments and qualifying

thresholds between urban and rural providers;

delay of the home health cuts another year—as well as other operational improvements;

increases to teaching hospitals via improvements in IME and GME payments;

other targeted fixes for rural, psychiatric, rehabilitation, and other providers.

While these provisions (along with the fixes from last year) are very helpful to providers, they still only partially address the problems with the BBA. Therefore, I urge you to eliminate the remaining two years of reductions in the hospital inpatient system and ask that no additional reductions be made in FY 2003 and beyond. Additionally, we ask that you fully restore Medicare bad debt payments and eliminate the 15% reduction in home care payments.

As you know, without these relief measures, the BBA will continue to have a devastating effect on the providers in your home state. Coupled with the increasing levels of uncompensated care from TennCare and charity care, these cuts cannot be sustained and will continue to erode the health care infrastructure in Tennessee.

Given the projections for the budget surplus in coming years, we are asking for nothing more than adequate reimbursements to providers to cover their costs of delivering care. As evidenced by your support thus far, you and the Senate Finance Committee fully understand the repercussions of a failure to provide anything short of significant, substantial BBA relief—and we thank you for that.

Again, senator, we truly appreciate your continued work on behalf of our providers and their patients and communities. I am hopeful that you and the Committee will continue to support these non-partisan efforts to restore provider payments and urge the Administration to do the same.

Sincerely.

CRAIG A. BECKER, FACHE
President.

THE UNIVERSITY OF TEXAS SYSTEM,
Austin, TX, October 19, 2000.

Chairman BILL ROTH,
Senate Finance Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH: At your request we have reviewed the broad outlines of your legislation to provide much needed relief to health care providers, more specifically your provisions to help our Nation's teaching hospitals. We fully recognize the enormity of this task—seeking to provide assistance that is fair, balanced and appropriate among equally compelling claims from providers all across the health care system. Striking a balance among these competing needs while continuing to address the long-term solvency of the Medicare Trust Fund is the challenge. We appreciate your dedication to these goals and your willingness to consider that assistance to America's teaching hospitals is in the long-term interest of preserving our world preeminence in research and medical advancement.

In particular, we believe that provisions addressing Medicare's Direct (DGME) and indirect Graduate Medical Education (IME) programs, and those provisions addressing the Medicaid Disportionate Hospital Share (DSH) program, represent a good faith attempt on the part of Congress to correct the largely unforeseen inequities that arose from the Balanced Budget Act of 1997 (BBA). Each of our Nation's teaching hospitals and academic health centers confronts different financial constraints and pressures, the result of a constantly changing, evolving health system.

We congratulate you for your efforts and skill in writing a balanced legislative package that addresses many of our needs, and we commend your dedication to sound policies in support of academic medicine and the students and patients that we serve.

Sincerely,

CHARLES B. MULLINS, M.D.
Executive Vice Chancellor for Health Affairs.

NATIONAL ASSOCIATION
OF PSYCHIATRIC HEALTH SYSTEMS,
Washington, DC, October 19, 2000.

Hon. WILLIAM THOMAS,
Chairman, House Ways and Means Health Subcommittee, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: On behalf of the National Association of Psychiatric Health Systems, I want to express our gratitude to you for including in the House-Senate Medicare relief package the provision that would provide a 1% bonus increase in TEFRA payments to psychiatric hospitals and units of general hospitals. We support passage of this bill in the House and oppose a presidential veto.

This financial relief is very much needed, as demonstrated in MedPAC's June 2000 Report to Congress. MedPAC data shows a post-1977 Balanced Budget Act (BBA) decline in Medicare margins (from 2.6%−2.3%) for psychiatric facilities—findings that are consistent with an earlier financial impact analysis of the effects of the BBA on psychiatric facilities prepared for NAPHS by Health Economics Research, Inc. Compounding these BBA payment reductions has been an 11-year decline in the value of employer-provided behavioral benefits, according to a 1999 study by the Hay Group.

For these reasons, we are grateful for your efforts needed financial relief to psychiatric hospitals and support House passage of the Medicare package with the 1% bonus increase for psychiatric facilities.

Sincerely,

MARK COVALL,
Executive Director.

HEALTH CARE LEADERSHIP COUNCIL,
Washington, DC, October 19, 2000.

Hon. WILLIAM M. THOMAS,
Chairman, Ways and Means Subcommittee on Health, Rayburn House Office Building, Washington, DC

DEAR CHAIRMAN THOMAS: The Healthcare Leadership Council (HLC) urges that Congress pass and the President sign Medicare refinement and benefits improvement legislation. This legislation will provide significant and much needed relief for Medicare providers and plans while also enhancing benefits and allowing quicker access to medical innovations for beneficiaries.

The HLC is comprised of chief executives of America's leading health care organizations, representing a cross section of the entire industry. Our members represent community and teaching hospitals, pharmaceutical companies, Medicare+Choice plans, medical technology companies and other organizations providing products and services to Medicare beneficiaries. They know firsthand the serious effects Medicare payment reductions have on the delivery of services to Medicare beneficiaries. While this package will not restore all of the reductions enacted in 1997, it will provide substantial immediate relief to help stabilize the Medicare program.

It is imperative that this legislation be enacted to assure that Medicare beneficiaries receive the highest quality care and coverage and so we can lay a solid foundation for achieving comprehensive Medicare reform in the near future.

We look forward to working with you to achieve enactment of this important legislation.

Sincerely,

MARY R. GREALY,
President.

NATIONAL ASSOCIATION FOR HOME CARE,
Washington, DC, October 19, 2000.

Hon. WILLIAM THOMAS,
Chairman, Subcommittee on Health, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Many thanks for once again providing leadership to help blunt some of the unintended consequences of the Balanced Budget Act of 1997 (BBA). Your efforts, as always, are greatly appreciated.

Balancing concerns about fiscal responsibility with the interests of Medicare beneficiaries and the providers that serve them is a very difficult job. We are grateful that you have offered to delay the scheduled 15 percent cut for an additional year, to provide a full market-basket inflation update for fiscal year 2001, and to extend periodic interim payments for two months. These provisions will be of great help to home health agencies and the patients they serve. However, with all due respect, as the benefit most hard-hit by the BBA, home health providers and the patients they serve are in need of additional support in order to further stabilize the program and enhance access to needed care.

As you know, under the BBA, home health outlays dropped 54 percent in a two-year period and the total number of beneficiaries served dropped by nearly 1 million. The BBA has exacted $70 billion from the home health program, more than four times the $16 billion savings target set by the Congress. The number of home health agencies has dropped by about one-third, and the budgets of those agencies remaining have dropped by close to 40 percent.

We urge your further consideration of several proposals that are designed to help shore up the ailing home health program—specifically, requiring payment for non-routine medical supplies on a fee schedule rather than as part of the prospective payment base payments (this proposal would be budget-neutral); increasing allowable expenditures for high cost, outlier patients; and additional payments for care provided to rural patients. Senator William Roth has seen fit to include these provisions in a bipartisan legislative package he has proposed, and we would encourage you to work with your colleagues to address these areas as you finalize the BBA refinements package.

Your assistance in this regard will be greatly appreciated—not only by the home health agencies, doctors, nurses, and home health aides that provide these important services, but also by the millions of vulnerable Medicare beneficiaries that rely on us for their care and protection.

Many thanks for your thoughtful consideration of our requests.

Sincerely,

VAL J. HALAMANDARIS,
President.

AMERICAN ASSOCIATION FOR HOMECARE,
Alexandria, VA, October 19, 2000.

Hon. WILLIAM THOMAS,
Subcommittee on Health, Longworth House Office Building, Washington DC.

DEAR CHAIRMAN THOMAS: The American Association for Homecare representing over 3,000 home nursing and durable medical equipment providers supports enactment of the legislation crafted by the House and the Senate health policymakers.

Recognizing the current proposal refines the Balanced Budget Act of 1997 for the fiscal year 2001, the Association would like to

thank you for your efforts to support homecare. The following provisions will help homecare providers within the next year by:

Restoring the durable medical equipment providers CPI for fiscal year 2001;

Delaying any reduction of payment by HCFA of the average wholesale pricing for drugs to ensure patient access to quality equipment and supplies with a study by the General Accounting Office;

Restoring the home health market basket update for fiscal year 2001;

Extending the home health periodic interim payments for two months;

Clarifying the definition of homebound to permit home health services to be furnished to patients in adult day care settings;

Delaying the 15% cut for home health services for one-year; and,

Requesting a study to review the consolidated billing requirements under PPS.

As you know, the homecare industry has undergone significant reductions that have resulted in the lack of patient access to needed medical services and supplies. The latest figures show a reduction of more than 50% from 1997 to 1999 with over one million eligible Medicare beneficiaries who are no longer receiving homecare services. The Association continues to strongly advocate for complete elimination of the additional 15% cut to home health services. This provision has both wide-spread, bi-partisan Congressional as well as consumer support, and we look forward to working with you on a Medicare proposal in the future that will help to address this issue.

The Association would appreciate your consideration of the following technical changes to the legislative proposal:

Require the Medicare Payment Advisory Commission (MedPAC) to study the necessity of the 15% cut for home health services rather than the General Accounting Office; and,

Expedite the requirement by the General Accounting Office to study the consolidated billing provisions under the home health PPS and impose a delay of the requirement until such study is completed. If this is not feasible, require HCFA to suspend medical review on both DME and home health providers until clear guidance by HCFA and its Medicare contractors has been issued to providers.

Thank you for your consideration on these two technical changes. Once again, the American Association for Homecare greatly appreciates your efforts to help homecare providers, and we look forward to working with you next year on these important issues.

Sincerely,

THOMAS A. CONNAUGHTON,
President and CEO.

AMERICAN FEDERATION OF HOMECARE PROVIDERS, INC.,
Silver Spring, MD, October 19, 2000.

Congressman WILLIAM THOMAS,
Chairman, House Ways and Means Health Subcommittee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN THOMAS: The American Federation of HomeCare Providers appreciates your addressing several issues of critical importance to Medicare participating home health agencies in your Medicare refinement legislation. Our members are primarily freestanding providers, the majority of which have been severely affected by the Balanced Budget Act of 1997.

We are pleased that you have included a provision to postpone for another year, to October 1, 2002, the additional 15 percent reimbursement reduction, and that you have provided for an update of 2.2 percent of the HHRG rates for the second half of Fiscal Year 2001, adding back $1.3 billion in finding over a five-year period. Extension of PIP for two months will assist providers who might otherwise be financially destabilized by the unadjusted rates and payment disruptions in the initial phase of home health PPS. In addition, you have indicated your desire to address the issues of non-routine medical supplies, the definition of ''homebound'' and branch office policy, commissioning GAO studies in all three cases, and clarified the role of telemedicine in the home care setting. We are appreciative.

It is critical to the survival of home health providers, however, that the 15 percent reduction be permanently eliminated. Additionally, it is imperative that the issue of access to home care services for medically complex and high cost patients be addressed, perhaps as envisioned in Congressman John Peterson's legislation. While your bill addresses issues related to the new prospective payment system, we have outstanding concerns about patients who lost their access through the strictures of the Interim Payment System, which cut $79 billion from the benefit. And for the sake of the effective administration of the home care benefit, consolidated billing of non-routine medical supplies should be addressed forthwith, by simply eliminating the requirement and reimbursing on a fee schedule basis.

We urge you to continue to work with other Members of Congress and the Administration in the next few days to address these pressing concerns, which as they related to access for complex and high cost patients can be a matter of life and death. We want to work with you and your colleagues the rest of this session, and early in the next Congress, for restoration of beneficiary access lost under IPS, permanent elimination of the 15 percent cut, and a more rational medical supply policy under PPS.

Again, thank you for your attention to our concerns.

Sincerely yours,

ANN B. HOWARD,
Vice President for Policy.

THE ALLIANCE FOR QUALITY NURSING HOME CARE,
October 19, 2000.

Hon. BILL ROTH,
Chairman, Senate Committee on Finance, Washington, DC.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, Washington, DC.

DEAR CHAIRMAN ROTH, CHAIRMAN ARCHER AND CHAIRMAN BLILEY: On behalf of the Alliance for Quality Nursing Home Care, I want to express our gratitude for your leadership in recognizing the crisis that exists today in the delivery of skilled nursing care to Medicare beneficiaries. The efforts Congress have undertaken this year to refine Medicare reimbursement levels will ensure that seniors continue to have access to quality nursing home care. The Alliance for Quality Nursing Home Care supports the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000, and we urge Congress to overwhelmingly support its passage during the remaining days of the 106th Congress.

Your attention to increasing the nursing component for the prospective payment system will help nursing homes working to address some of the most critical issues facing our profession: Retaining, recruiting and training quality nursing home staff. In addition, we look forward to continuing to work with Congress and the Administration on addressing the fundamental payment shortcomings of the current market basket inflation index that understates the cost of caring for medically complex patients.

Sincerely,

MICHAEL WALKER.

AMERICAN ASSOCIATION OF HOMES AND SERVICES FOR THE AGING
Washington, DC, October 19, 2000.

Hon. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Office of the Speaker, Washington, DC.

DEAR MR. SPEAKER: As members of the Interfaith Coalition representing faith based and other non-profit providers of long term care services, we are writing to express our concern on a provision contained within the Medicare ''Giveback'' legislation of great importance to seniors. The Balanced Budget Act Refinement bill approval by the Ways and Means Health Subcommittee included language to provide seniors in managed care health plans the option of returning to their nursing home or long-term care facilities to receive care after hospitalization. This portion of the bill, which was championed by Representatives Pryce and Hobson, will allow seniors control over their own health care needs.

When elderly nursing home or retirement community residents who belong to managed care plans are hospitalized, upon discharge they are often not allowed to return to their home facilities for further care if those facilities are not part of the managed care plan's network. We should not allow our elderly and frequently frail nursing home residents to be forced to uproot themselves and possibly endanger their health following a severe health crisis. The ''Return to Home'' provisions require Medicare+Choice plans to cover the care provided in the long-term care facility where the residents lived prior to hospitalization.

It is our understanding that this important provision will be included in the final version of the bill. These provisions will help improve the health and well-being of seniors by enabling them to return to the skilled nursing facility where they have strong personal and in many cases family ties. On behalf of our organizations which respectively represent over tens of thousands of members, encourage you to help all seniors by protecting the ''Return to Home'' provisions and passing Medicare legislation before the end of the 106th Congress.

We offer our appreciation for your efforts to this extremely important matter.

Sincerely,

American Association of Homes and Services for the Aging Volunteers of America.

VNAA,
VISITING NURSE ASSOCIATIONS OF AMERICA,
October 20, 2000.

Hon. WILLIAM M. THOMAS,
Chairman, Health Subcommittee, House Ways and Means Committee, Washington, DC.

DEAR CHAIRMAN THOMAS: On behalf of the Visiting Nurse Associations of America (VNAA), I would like to thank you for developing legislation to further relieve the unintended adverse effects that the Balanced Budget Act of 1997 (BBA) has had on Visiting Nurse Agencies (VNAs) and other home health care providers.

VNAA supports the ''Medicare, Medicaid and SCHIP Beneficiary Protection and Improvement Act of 2000'' because of its provisions to: Delay the 15% cut until fiscal year (FY) 2003; Provide an extension of Periodic Interim Payments (PIP) to PIP providers through November 30, 2000; and Increase the Medicare home health prospective payment base rate by 2.2% for the second six months of FY 2001.

VNAA believes a study of the costs of non-routine medical supplies and the appropriateness of bundling such supplies into

PPS rates is greatly needed. We are pleased that your legislation accomplishes this goal. VNAA encourages you to expedite this study because of our strong concerns about the cost of supplies used in the treatment of wounds, incontinence, and outpatient therapy.

We also are concerned about our operational ramifications involving health medical equipment (HME) suppliers and home health providers. Currently, there are not electronic measures to determine if patients at admission are receiving supplies from either a HME supplier or a home health provider. Patients who have chronic conditions and have been receiving medical supplies for years are often not clear about the origin of their supplies. Did they originate with the physician?, the hospital?, the HME supplier?, the nurse? Therefore, innocent provisions of such supplies by both the HME suppliers and the home health agency to the same patient could easily subject providers to medical review and allegations of fraud and abuse. VNAA urges you to suspend medical review of medical supplies until such electronic or other means is operational.

VNAA was very pleased to meet with you, to testify before your subcommittee, and to work with your staff, Linda Fishman and John McManus this year. As you know, repeal of the 15% cut is critical to VNA's survival. We greatly appreciate your assurance to us that cost-effective and ethical home health providers will never be subject to the 15% cut. We ask for your support to achieve full elimination of the 15% cut next year. Full repeal of this provision would ease the concerns of financial lenders, thereby improving cash flow for VNAs during difficult financial times. In addition, please require the Medicare Payment Advisory Commission (MedPAC), rather than the U.S. General Accounting Office (GAO), to conduct the study regarding the 15% cut. We do not believe that the GAO has conducted thorough and fair studies regarding Medicare home health issues.

Finally, we cannot thank you enough for your support of VNAA's recommendation to extend PIP to ease cash flow during the transition to PPS. This provision in your legislation will literally prevent the closure of several VNAs.

VNAA looks forward to continuing to work with you next year and in the future.

Sincerely,

CAROLYN S. MARKEY,
President and CEO.

NATIONAL HOSPICE AND PALLIATIVE CARE ORGANIZATION,
October 19, 2000.

Hon. WILLIAM V. ROTH, JR.,
Chairman, Finance Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We write to express our support for passage of the Medicare, Medicaid and SCHIP Improvement Act of 2000 which further refines the Balanced Budget Act of 1997. Medicare reimbursement of hospice care has not kept pace with the increasing costs of care for terminally ill Medicare beneficiaries as they approach death. Therefore, we support the hospice provisions included in your legislation; specifically, restoration of the full market basket increase (MBI) in the current fiscal year (FY 2001), maintenance of the fiscal year 2002 update as provided in the Balanced Budget Refinement Act (MB minus 0.25%), and full MB in FY 2003.

We appreciate the interest by many senators to improve the Medicare hospice benefit. Indeed, it is our hope that by clarifying the physician certification language in the statute to clearly rely on a physician's clinical judgment regarding the expected course of illness, physicians will feel more confident in referring terminally ill Medicare beneficiaries to hospice care. We are pleased that you include this provision in your legislation.

The National Hospice and Palliative Care Organization (NHPCO) has worked diligently to provide cost data to justify the need for a rate increase. Earlier this year, Milliman and Robertson provided interim data based on a large sample of 10,000 Medicare hospice patients. The cost data demonstrate significant increases in the cost to hospice providers of prescription drugs (1500+%) and outpatient services (500%) that was not envisioned when the original Medicare rates were established nearly twenty years ago. Coupled with these increased costs is a dramatic decrease in the length of hospice service. Recently, the General Accounting Office found that 28% of Medicare beneficiaries stayed in hospice for one week or less. As a point of comparison, the length of service was 70 days at the time the hospice rate was established. Since hospice providers are paid on a per diem and subject to an overall payment cap, significantly shorter stays eliminate providers' ability to absorb the higher cost days, especially when a patient is first admitted to hospice and again in the period immediately preceding death. Hospice has experienced consistent updates below the market basket increase. Over the years, the statutory reductions have amounted to more than 9.25%. Therefore, restoration of the reductions prescribed in BBA will assist hospice providers in meeting the complex care needs of those Medicare beneficiaries who choose to die at home under the care of hospice providers.

Finally, we look forward to continuing to work with you to strengthen the Medicare hospice benefit. Hospice is an expanded and all inclusive benefit package, including outpatient prescription drugs, palliative chemotherapy and radiation, and bereavement support for family members. It can be viewed as a substitute benefit providing terminally ill Medicare beneficiaries with a choice other than the traditional fee-for-service program. It is our hope that we can work together in the future to assure that Medicare reimbursement adequately reflects the true cost of caring for terminally ill Medicare beneficiaries, maintains a high quality of care, and protects this important choice for those who wish to die with dignity in the setting of their choice, surrounded by family.

Sincerely,

KAREN A. DAVIE,
President.

NATIONAL PACE ASSOCIATION,
San Francisco, CA, October 19, 2000.

Hon. BILL THOMAS,
Chairman, Health Subcommittee, House Ways and Means Committee, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN THOMAS: On behalf of the National PACE Association (NPA) and its members, I am writing to express the Association's appreciation for your continued support of the Programs of All-inclusive Care for the Elderly (PACE) through inclusion of provisions for PACE in The Medicare, Medicaid and SCHIP Benefits Improvement Act of 2000. The Act's provisions to expand the opportunities for flexibility in implementation of PACE programs and to ease the transition of existing demonstration sites to permanent provides status will have an immediate and ongoing positive impact on PACE programs and the frail elderly adults they serve.

Although we have not had an opportunity to study the legislative package in its entirety, your efforts on behalf of Medicare and Medicaid beneficiaries to strengthen those programs should be acknowledged and receive careful consideration from members of Congress and, if enacted, from the President as well as the bill makes its way through the final days of this legislative session.

Sincerely yours,

JUDITH BASKINS,
President.

ASSOCIATION OF OHIO PHILANTHROPIC HOMES, HOUSING AND SERVICES FOR THE AGING,
Columbus, OH, October 19, 2000.

Hon. DENNIS HASTERT,
Speaker of the House, The Capitol, Washington, DC.

DEAR REPRESENTATIVE HASTERT: I am writing to express my support (and the support of 185 not-for-profit nursing homes and retirement communities serving over 22,000 frail Ohioans) on a provision contained within the Medicare ''Giveback'' legislation. This provision is of great importance to seniors everywhere including those states which have had similar laws (hence the need for federal legislation) declared ''null and void'' by the Health Care Financing Agency—states such as California, Florida, Illinois, and Maryland.

The Balanced Budget Act Refinement bill approved by the Ways and Means Health Subcommittee, included language to provide seniors in managed care health plans the option of returning to their nursing home or long-term care facility to receive care after hospitalization. This portion of the bill, previously introduced by Representatives Pryce and Hobson as the ''Seniors Healing at Home Act,'' will allow seniors control over their own health care and healing.

When elderly consumers who belong to managed care plans are hospitalized and then discharged, they are often not allowed to return to where they had been living for further care if those facilities are not part of the managed care plan's network. The ''Seniors Healing at Home'' provision requires Medicare+Choice plans to cover the care provided in a senior's place of residence. It is my understanding that this important provision will be included in the final version of the bill.

The ''giveback'' legislation will help to bring stability to the Medicare program by ensuring proper payments to those who help to heal our nation's seniors. One of the most frequent reasons voiced by residents of our facilities for not joining a Medicare HMO is the fear that they will not be permitted to return to their community following hospitalization.

On behalf of my organization and its 330 not-for-profit members, I encourage you to help seniors by protecting the ''Seniors Healing at Home'' provision, and passing the legislation before the end of the 106th Congress.

Very Truly Yours,

CLARK R. LAW,
President/CEO.

October 19, 2000.

Hon. DENNIS HASTERT,
U.S. Congress, Washington, DC.

DEAR SPEAKER HASTERT: As faith-based organizations concerned about the health and welfare of elderly Americans, we strongly support your efforts to include Representatives David Hobson's (R–OH) and Deborah Pryce's (R–OH) Seniors Healing at Home Act (H.R. 5042) in the Balanced Budget Refinement Act under current consideration by Congress. We understand that this provision, an important step in ensuring that senior citizens are able to receive compatible skilled nursing care in their home communities, will be included in the final version of the BBRA.

The increasing prevalence of managed care among elderly individuals has had both positive and negative effects. Managed care can

lead to increased coordination of care and decreased costs, but it can also limit access to facilities that are close to home or culturally appropriate. An increasing number of older individuals are choosing to live in senior housing or assisted living complexes on campus settings with facilities that offer varying levels of care including convalescent and skilled nursing care. These individuals choose to live in this type of setting so that they can spend the remainder of their lives close to family and friends, frequently in an environment that facilitates religious observance.

A recent trend of great concern is that many indvidiuals in such communities are, upon discharge from a hospital, unable to return to the community where they had been living if that community's skilled nursing facility is not part of the Medicare+Choice plan's network of providers. The managed care plan may instead require that the consumer be discharged to a long term care facility in the plan's network, even though the facility may be distant from friends, family and spouse.

We believe that denying seniors the ability to return to their community of origin negatively impacts on quality of care. Access to close friends and loved ones may help prevent the isolation, depression and even trauma that can increase a frail individual's physical recovery time and the cost of care. The patient's medical care may suffer as well, since the staff of the facility where the individual had been living may be more familiar with the person's chronic care needs.

''Return to Home'' legislation would ensure that seniors living in a facility on a campus that provides skilled nursing care will be able to return to that facility for convalescent care. On behalf of our organizations and our members, we urge and applaud your continued support for the Seniors Healing at Home Act, and encourage you to pass this legislation before the end of the 106th Congress.

Sincerely,

Adventist Health Systems, Donald L. Jernigan, Executive Vice President.

American Jewish Committee, Richard T. Foltin, Legislative Director and Counsel.

American Protestant Health Alliance, Sherry Hayes, President.

Association of Brethren Caregivers, Steve Mason, Executive Director.

Association of Jewish Aging Services, Jodi Lyons, President.

Baptist Senior Adult Ministries, Edythe J. Walters, Executive Director.

Catholic Health, Association of the U.S. Julie Trocchio, Director of Long Term Care.

Church Women United, Tiffany L. Heath, Legislative Assistant.

Florida Council of Churches, Rev. Fred Morris, Executive Director.

Friends Committee on National Legislation, Florence Kimball, Legislative Education Secretary.

Jewish Council for Public Affairs, Reva Price, Washington Representative.

Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America, Rev. Russell O. Siler, Director, Washington Office.

Lutheran Services in America, Joanne Negstad, President/CEO.

National Council of Catholic Women, Annette Kane, Executive Director.

National Council of Jewish Women, Sammie Moshenberg, Director, Washington Office.

National Interfaith Coalition on Aging, Rev. Dr. Richard H. Gentzler, Jr., Chair.

Pennsylvania Council of Churches, Rev. K. Joy Kaufmann, Acting Executive Director and Director for Public Advocacy.

Union of American Hebrew Congregations, Mark J. Pelavin, Esq. Associate Director, Religious Action Center of Reform Judaism.

Union of Orthodox Jewish, Congregations of America, Nathan J. Diament, Director, Institute for Public Affairs.

Unitarian Universalist Association of Congregations, Rev. Meg Riley, Director, Washington Office for Faith in Action.

United Church of Christ, Office for Church in Society, Rev. Patrick Conover, Policy Advocate.

United Jewish Communities, Diana Aviv, Vice President for Public Policy.

The United Methodist Church, General Board of Discipleship, Rev. Dr. Richard H. Gentzler, Jr., Director, Office of Adult Ministries.

Volunteers of America, Ronald H. Field, Vice President of Public Policy.

PATIENT ACCESS TO TRANSPLANTATION COALITION,
Washington, DC, October 20, 2000.

Hon. WILLIAM V. ROTH, JR.,
Senate Finance Committee, Senate Dirksen Office Building, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH: The Patient Access to Transplantation Coalition would like to express our support for Section 113 of the Medicare, Medicaid and SCHIP Beneficiary Protection and Improvement Act of 2000. We are pleased that this provision of the final conference agreement will eliminate the current three-year limitation on coverage for immunosuppresive drugs under the Medicare program. We would especially like to thank you, Senator DeWine, and Chairmen Bliley, Thomas and Bilirakis for your tremendous leadership on this important transplant patient issue.

This provision is urgently needed to ensure that Medicaid beneficiaries who receive organ transplants can continue to have access to these lifesaving drugs. We are confident that the Medicare program will ultimately save money as a result of this provision, since it will reduce the number of organ failures which necessitate subsequent retransplantation. We also believe that, by reducing the number of organ rejections, this provision will result in the availability of an increased number of organs for the almost 70,000 patients who are currently waiting to receive the gift of life.

Once again, we appreciate and commend your efforts to expand Medicare coverage of immunosuppressive drugs this year. Your efforts will help ensure that transplant patients across the country continue to have access to lifesaving immunosuppressive therapies.

Sincerely yours,

PATIENT ACCESS TO TRANSPLANTATION COALITION.

October 19, 2000.

PAT COALITION INSTITUTIONAL MEMBERS

Clarian Health Partners (Indianapolis, IN).

Emory University (Atlanta, GA).

Froedert Memorial Lutheran Hospital (Milwaukee, WI).

Henry Ford Health System (Detroit, MI).

Inova Health System (Fairfax, VA).

Jewish Hospital (Louisville, KY).

Louisiana State University (Shreveport, LA).

Medical University of South Carolina (Charleston, SC).

Memorial Hermann Healthcare System (Houston, TX).

Memorial Medical Center (New Orleans, LA).

Ochsner Medical Institutions (New Orleans, LA).

Ohio State University Medical Center (Columbus, OH).

Oklahoma Transplantation Institute (Oklahoma City, OK).

Oregon Health Sciences University (Portland, OR).

St. Louis University Hospital (St. Louis, MO).

St. Vincent Medical Center, CHW (Los Angeles, CA).

Scripps Clinic (La Jolla, CA).

Tampa General (Tampa, FL).

Tulane University (New Orleans, LA).

University of Alabama at Birmingham (Birmingham, AL).

University of Colorado Health Sciences Center (Boulder, CO).

University of Florida/Shands Hospital (Gainesville, FL).

University of Kansas (Lawrence, KS).

University of Kentucky (Lexington, KY).

University of Medicine and Dentistry of New Jersey (Newark, NJ).

University of Michigan (Ann Arbor, MI).

University of Washington (Seattle, WA).

University of Wisconsin-Madison (Madison, WI).

Vanderbilt University Medical Center (Nashville, TN).

Virginia Commonwealth University Medical College of Virginia (Richmond, VA).

Westchester Medical Center (Valhalla, NY).

LIFECARE MANAGEMENT SERVICES,
Dallas, TX, October 19, 2000.

Re: Provider Based Determinations

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR REP. HASTERT: I would like to thank you for your time and assistance in supporting legislation designed to treat long-term care hospitals equitably in terms of payment and program administration.

We are particularly grateful for your support for the provision that would provide a two year delay in the application of HCFA's new provider-based determination rule (See Section 404 enclosed).

We gratefully appreciate your leadership and know you will do everything you can to make certain the enclosed provision is adopted as part of this year's BBA Relief Package.

Sincerely,

DAVID LABLANC,
President.

AMERICAN CANCER SOCIETY, NATIONAL GOVERNMENT RELATIONS OFFICE,
October 19, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: On behalf of the more than 18 million volunteers and supporters of the American Cancer Society, I am writing to thank you for supporting an extension of Medicare's current colonoscopy benefit to average risk beneficiaries in the Balanced Budget Refinement Act (BBRA) currently being negotiated. Securing this change has been one of the Society's top legislative priorities, as it will have a direct impact on reducing the incidence and mortality rates of colorectal cancer among the Medicare population.

As you know, this provision has broad bipartisan support and was included in all the bills considered by the House Ways and Means Health Subcommittee, the House Commerce Committee, and the Senate Finance Committee. President Clinton has also called for expansion of the current Medicare colon cancer screening benefit before the adjournment of this session of Congress. The bipartisan provision currently in the BBRA bill would bring Medicare coverage more in line with the American Cancer Society's current colorectal cancer screening guidelines. Colorectal cancer—the nation's second leading cause of cancer deaths in men and

women—most often is diagnosed in individuals considered to be ''average risk'' for the disease with approximately 70–90 percent of colorectal cancers diagnosed in average or moderate risk individuals. As daunting as these statistics are, colorectal cancer is second only to lung cancer in our ability to prevent cancer from ever occurring. This disease is easily preventable through the early identification and removal of pre-cancerous polyps, detectable only through colorectal cancer screenings.

Recent studies published in the New England Journal of Medicine found that colonoscopy is the most effective screening tool currently available. We know that if we were able to get all individuals screened for colorectal cancer—according to our guidelines—that we *could reduce overall colorectal cancer mortality by 50 percent or more.*

Increasing the numbers of Medicare beneficiaries that have access to the full range of effective colorectal cancer screening tests could save money on the cost of treatment. Colonoscopy can examine the entire colon and it is the most effective test at catching cancers at early stages. Colonoscopy also permits the health care provider to identify and remove adenomatous polyps—a procedure that can prevent colorectal cancer from ever developing. Other screening tests are not only less effective at detecting polyps and cancer but if polyps or signs of cancer are identified (e.g. occult blood) the patient then requires a colonoscopy. By providing average-risk patients the option of a screening colonoscopy, a second follow-up procedure in many cases can be avoided which not only saves Medicare money, but also saves the patient from additional hassle and discomfort.

We know that cancer is most effective when the cancer is caught early. For example, when cancer is diagnosed in the earliest stages—before it has become symptomatic—patients have a 90 percent chance of survival. Yet, if a patient is not diagnosed until symptoms are exhibited, the chance of survival drops to 8 percent and care during the remaining 4–5 years of life can cost up to $100,000. The Medicare reimbursement rate for colonoscopies is currently $337. While that may seem high, the Society's guidelines specify that a colonoscopy need only be performed once every ten years in individuals who have had a previous normal exam.

The Society strongly recommends that public and private health plans provide coverage for the full range of effective colorectal and other cancer screening tests according to the Society's guidelines. The current Medicare benefit provides coverage for: An annual fecal occult blood test (FOBT) for all beneficiaries over 50, A flexible sigmoidoscopy every 4 years for average or moderate risk beneficiaries*, A colonoscopy every 2 years for high risk beneficiaries*.

*A double contrast barium enema may be used as an alternative if a physician determines that its screening value is equal to or better than a flex-sigmoidoscopy or a colonoscopy.

The language in the BBRA bill provides average risk beneficiaries with coverage for either a colonoscopy every 10 years or a flexible sigmoidoscopy every four years. We applaud your action in embracing this change as it will provide the greatest flexibility for patients and their physicians in determining which screening modality is best for the individual beneficiary, while considering other factors such as costs and possible complications. This correctly places the screening decision with patients and providers and ensures that lack of coverage will not be a reason for a beneficiary to go without a potentially life-saving test.

The American Cancer Society thanks you for your support of this important public health matter and is hopeful that this change in policy will be enacted before Congress adjourns. While the Society is not in a position to comment on the merits of the full BBRA bill—both because we have not had an opportunity to analyze the specifics of this large package and because we understand that the package contains provisions that are beyond the scope of current ACS policy and legislative priorities—we urge all parties to continue to work toward ensuring enactment of the expanded colorectal cancer screening benefit. Therefore, we strongly urge Members of Congress and the Administration not to allow end-of-session politics to jeopardize this critical opportunity to save lives.

We look forward to working with you and your colleagues to ensure that this provision becomes law, Should you have any questions or if you would like additional information, please contact Wendy Selig, Managing Director of Federal Government Relations (202/661–5704), or Ilisa Halpern, Director of Federal Government Relations (202/661–5717).

Sincerely,

DANIEL E. SMITH,
National Vice President, Federal and State Government Relations.

ALLIANCE TO SAVE CANCER CARE ACCESS,
AMERICANS UNITED IN SUPPORT OF CANCER CARE,
Washington, DC, October 19, 2000.

Hon. [LOTT/DASCHLE/HASTERT/GEPHARDT]

DEAR SIR: We would like to express our appreciation for your focus on problems impacting the Medicare program, as well as our strong support for legislative reform that rationalizes Medicare reimbursement and preserves patient access to care.

As you know, many throughout the cancer community have long contended that the Medicare program employs a flawed reimbursement structure, overpaying for many drugs while underpaying for many services. For example, the Medicare program does not adequately support the critical role played by oncology nurses, forcing caregivers to engage in a form of ''cost shifting'' in which they have to use drug overpayments to offset Medicare's deep underpayment for the treatment services provided to beneficiaries. At the same time, the Health Care Financing Administration has acted upon a proposal to restrict Medicare coverage of injectable therapies that are needed by and have been historically provided to seniors and disabled Americans suffering from cancer, multiple sclerosis, AIDS, and other diseases.

These problems are widely considered to be unacceptable for several reasons: They are they source of great uncertainty for seniors and people with disabilities, they place significant pressures on the professional caregivers who care for them, and they are made necessary by correctable flaws in the Medicare statute.

Fortunately, legislation developed by Congress addresses these problems in a responsible and commendable manner. Provisions included in the Medicare reform package direct the Secretary to revise the payment methodology for all drugs currently covered by Medicare and charges the General Accounting Office to undertake the meaningful analysis which will support this much-needed correction. Meanwhile, another provision in the legislative package clarifies coverage of drugs that are usually not self-administrable and strengthens access to this important form of care. This combined response puts Medicare on the road to real, balanced, and sustainable reform by ensuring that the program provide appropriate reimbursement for drugs and will eliminate underpayments for services related to the provision of those therapies.

For these reasons, we are pleased to extend our congratulations to you and your colleagues for the fine work you have done to address these vital issues. We are pleased to extend to you our support for these provisions and hope that they will not be subject to any changes. Rather, we respectfully urge Members to strengthen patient access to cancer care by supporting the measure in which these provisions are brought before the Congress. We also express our appreciation to the president for his leadership in cancer care issues and our hope that he sign these important reforms into law.

On behalf of the seniors and disabled Americans we are honored to serve and represent, we would like to thank you for your consideration and your support.

Sincerely,

AMERICAN COLLEGE OF RADIATION ONCOLOGY
ASSOCIATION OF COMMUNITY CANCER CENTERS NATIONAL PATIENT ADVOCATE FOUNDATION.
ONCOLOGY NURSING SOCIETY UNITED SENIORS ASSOCIATION US ONCOLOGY.

ICC,
INTERCULTURAL CANCER COUNCIL,
October 19, 2000.

Hon. WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Washington, DC.

DEAR SENATOR ROTH: On behalf of the Intercultural Cancer Council (''ICC''), including our 55 members and hundreds of affiliated organizations and supports, I write in support of the minority cancer demonstration provisions included in the Balanced Budget Act Relief Legislation. The ICC is the largest nationwide cancer coalition addressing the tragic disparities in cancer incidence and mortality rates in our nation's ethnic minority and medically underserved populations. The ICC's members work daily in the areas of cancer prevention and control, research, treatment and survivorship.

The Intercultural Cancer Council commends your leadership for including Rep. John Lewis' amendment in the final ''Medicare, Medicaid, SCHIP Beneficiary Protection and Improvement Act of 2000''. This timely demonstration effort should facilitate development of needed models and evaluations of methods to improve the quality of items and services provided to targeted individuals in order to reduce disparities in early detection and treatment of cancer among Medicare beneficiaries. We urge Congress to direct the Health Care Financing Administration to proceed expeditiously to implement this provision and ensure that these demonstrations are launched in a timely manner.

As the ICC's mission includes identifying problems in access to cancer detection and treatment, developing collaborative solutions, and promoting new partnerships to implement those solutions, we endorse the direction of the proposed demonstration language. We believe special attention should be given in demonstration projects to mechanisms designed by and for the ethnic minority and medically underserved communities that suffer the grossly disproportionate burden of cancer in this country.

Again, we appreciate your recognition of the need to address disparities in access and cancer treatment for ethnic and racial minorities who are Medicare-eligible. Enactment of this provision represents a first step in moving forward to address a significant health disparity problem facing this nation

and we are grateful for your leadership in this area.

Sincerely,

ARMIN D. WEINBERG.

THE SUSAN G. KOMEN BREAST CANCER FOUNDATION,
NATIONAL HEADQUARTERS,
Dallas, TX, October 6, 2000.

Hon. WILLIAM ROTH,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH: On behalf of the Susan G. Komen Breast Cancer Foundation, I am writing to urge you to include funding for digital mammography in the Medicare initiative currently being shaped by Congress.

The Medicare, Medicaid and SCHIP Improvements Act of 2000 provides a valuable opportunity to recognize and promote a new technology that offers many exciting possibilities. The Komen Foundation urges its inclusion in the interest of advancing women's health. Digital mammography creates high definition pictures for detection and diagnosis of breast cancer in its earliest, most curable stages. Doctors can easily transmit images from remote areas to specialists worldwide for expert consultation. Digital mammography also requires fewer tests and yields faster results, which translates into lower exposure to radiation and greater convenience for Medicare beneficiaries.

The Komen Foundation recognizes the limitations of current mammography and has dedicated its own research funding towards the pursuit of new screening and diagnostic technologies, including digital mammography. Now that this cutting-edge technology has received FDA approval and shown promise in the early detection of breast cancer, it is important to distribute it widely and enable women all over the country to receive its benefits. In the closing days of Congress, Komen asks you to please help promote this new scientific advancement for women's health. The estimated cost is only $87 million over five years.

The mission of the Susan G. Komen Breast Cancer Foundation is to eradicate breast cancer as a life-threatening disease by advancing research, education, screening, and treatment. To this end, the Komen Foundation dedicates millions of dollars annually towards scientific research, education and community outreach. But we cannot do it alone. The eradication of breast cancer as a life-threatening disease requires the support of dedicated Members of Congress like you. Your continued efforts in the battle against breast cancer are deeply appreciated.

Thank you very much.

Sincerely,

NANCY BRINKER,
Founding Chairman.

NATIONAL KIDNEY FOUNDATION,
OFFICE OF SCIENTIFIC AND PUBLIC POLICY,
October 19, 2000.

Hon. WILLIAM M. THOMAS,
Committee on Ways and Means, Washington, DC.

DEAR REPRESENTATIVE THOMAS: The National Kidney Foundation (NKF) supports the package of Medicare improvements under consideration in Congress, particularly the provisions described below. NKF is the country's oldest and largest voluntary health agency serving the needs of kidney patients with over 30,000 members from every part of the nation and from every walk of life, including consumers and their families, nurses, dietitians, social workers, physicians, dialysis technicians and concerned members of the lay public.

The National Kidney Foundation urges Members of Congress to vote for the package and exhorts the President to sign the legislation. We especially endorse the following provisions and thank you for including them in the bill.

Two provisions in the Beneficiary Improvement section would be of enormous benefit to kidney patients. They result from recommendations made by the Institute of Medicine of the National Academy of Sciences last December as part of studies mandated by Congress in the Balanced Budget Act of 1997. Section 113 removes the existing time limitation on Medicare coverage for immunosuppressive medications needed by transplant recipients. Without this enhanced benefit, tens of thousands of transplant recipients run an increased risk of rejecting their transplants. Rejection could result in a return to dialysis, which Medicare covers and which costs the government much more than the drugs which preserve the functioning of a transplant. Section 105 authorizes Medicare payments for nutritional counseling for pre-dialysis and post-transplant patients. This could benefit 80,000 Americans who are faced each year with the prospect of irreversible kidney failure and the changes in diet which are required to prepare these patients for that eventuality, as well as 12,000 kidney transplant candidates who receive the Gift of Life annually and thus need to adjust their dietary intake when they become transplant recipients. Nutritional counseling has been shown to reduce morbidity and mortality in these populations.

Section 422 under Part B Improvements provides for an update in the reimbursement rate paid for kidney dialysis treatments as recommended by the Medicare Payment Advisory Commission. NKF has pioneered in the development of practice guidelines which can assist health service professionals in their efforts to improve the quality of care provided to our nation's 250,000 dialysis patients. Dialysis clinics need this reimbursement update in order to be able to implement these recommendations.

Sincerely,

JOHN DAVIS,
CEO.

THE GLAUCOMA FOUNDATION,
October 19, 2000.

Hon. DENNIS HASTERT,
U.S. Congressman, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to urge your support of section 105 of the Ways and Means Committee Budget Refinement Package for Medicare. This provision provides for screening for glaucoma, the nation's leading cause of preventable blindness, for those at risk. The Glaucoma Foundation supports this forward-looking initiative, which will help preserve the precious gift of sight.

Sincerely,

JOHN W. CORWIN,
Executive Director.

JUVENILE DIABETES FOUNDATION INTERNATIONAL, THE DIABETES RESEARCH FOUNDATION.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER. I write on behalf of the Juvenile Diabetes Foundation International (JDF) regarding the Balanced Budget Act ''Givebacks'' bill that is currently under consideration.

The legislation contains three years of funding for critically important diabetes programs. The bill increases funding to $100 million for the special juvenile diabetes research program created in the Balanced Budget Act of 1997 and extends the program's funding through fiscal year 2003. The bill provides the same level of funding for the Native American diabetes program.

JDF strongly supports these provisions in the bill and we urge its approval. As you know, JDF has been pursuing at least five years of funding for these programs to provide a more stable stream of resources that can be most efficiently used by scientists. We encourage you to extend these programs through at least 2005 to make them even more effective in our battle against diabetes.

Mr. Speaker, on behalf of the JDF and everyone whose lives have been impacted by diabetes, we want to thank you for your leadership in promoting these important diabetes initiatives, and we look forward to continuing to work with you in our battle to cure this devastating disease.

Sincerely,

LEAH MULLIN,
Chairman, Government Relations.

NATIONAL MULTIPLE SCLEROSIS SOCIETY,
Washington, DC, October 19, 2000.

Hon. TRENT LOTT,
U.S. Senate,
Hon. DENNIS HASTERT,
House of Representatives, Washington, DC.

DEAR MAJORITY LEADER LOTT AND SPEAKER HASTERT: The National Multiple Sclerosis Society supports legislation to increase Medicare payments to health care providers. We strongly advocate that members of Congress vote for this legislation, and that the President sign it into law. Medicare reimbursements to health care providers must be increased so that beneficiaries with chronic conditions will have access to necessary health care services.

In addition to increasing access to Medicare health care services, we are also concerned about restoring Medicare coverage for self-injectible drugs and biologicals to beneficiaries who are unable to self-administer. There are three FDA approved self-injectible drugs that can alter the course of the disease, and slow the onset and progression of physical disabilities, Avonex, Betaseron and Copaxone. Each drug annually costs $10,000 to $12,000. The National MS Society recommends that patients diagnosed with relapsing-remitting MS begin taking one of these drugs immediately after diagnosis, and stay with the therapy.

Prior to 1997, Medicare carriers had the discretion to determine whether reimbursement was appropriate for self-injectible drugs, if they were administered incident to a physician's care. Since 1997, when Medicare terminated Medicare coverage for self-injectibles, we have worked to restore this coverage arguing that MS patients often experience temporary or permanent physical disabilities that make it very difficult, if not impossible, to self-administer these drugs.

Our understanding is that language in the Medicare bill begins to address this problem. However, the language does not go far enough. The self-injectible provision continues to rely on drug labeling rather than the beneficiary's ability to self-inject. This language leaves many MS beneficiaries without coverage when they are physically unable to self-inject necessary treatments that help to slow the progress of their disease. We believe that if a physician determines that the patient cannot self-inject, then Medicare should cover the drug.

The National Multiple Sclerosis Society, established in 1946, is dedicated to ending the devastating effects of multiple sclerosis. Multiple sclerosis is an often progressive, degenerative disease of the central nervous system that affects one-third of a million Americans. Symptoms may be mild, such as numbness in the limbs, or severe, such as paralysis or loss of vision.

Please let us know if we can provide any additional information on administration of

self-injectible drug and biologicals or be helpful in any other way.

Sincerely,

MIKE DUGAN,
President and CEO.

AMERICAN COLLEGE OF GASTROENTEROLOGY,
Arlington, VA, October 19, 2000.

Hon. WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN ROTH: The American College of Gastroenterology (ACG) wants to be among the first to applaud you and the other Members of the Senate and House of Representatives for your work in shaping fair and equitable Medicare-related provisions for the pending Balanced Budget Act legislation. Although in the short time afforded us to review the bill, we have not had the chance to evaluate all aspects and ramifications of all the provisions of the legislation, we are particularly supportive and appreciative that the current bill includes an important provision that will enhance the Medicare colorectal cancer screening benefit to offer for the first time beneficiaries who are at average risk of colorectal cancer the option of receiving a colonoscopy once every ten years, instead of a flexible sigmoidoscopy every four years. This is a very essential step forward in advancing patient options and public health.

As you know, we remain deeply concerned about the site-of-service problem for those procedures with less than 10% office volume, and particularly the lower and inadequate physician professional fee for those services that are performed in a Medicare-certified ambulatory surgery center, or the hospital outpatient department. We are also concerned that so few Medicare beneficiaries are availing themselves of the cancer screening benefit you have so wisely provided. With only 1% of Medicare beneficiaries actually using this preventive benefit, according to GAO, we continue to believe that this benefit will fall far short of its potential and that the proposed new study in Section 411 is more likely to delay and possibly confuse the problem. Just as we learned with pap smears and cervical cancer, we believe if will be necessary for Congress to intervene to reverse a HCFA-driven economic/reimbursement policy which serves to undercut the Medicare colorectal cancer benefit by financially penalizing physicians who perform colorectal cancer screenings.

We look forward to working with you at the earliest appropriate time to deal with the site-of-service issue and find ways to increase the use of these life-saving screenings.

Very truly yours,

ROWEN K. ZETTERMAN, M.D., FACS,
President.

FEDERAL AFFAIRS DIVISION,
AMERICAN ACADEMY OF OPHTHALMOLOGY,
Washington, DC, October 19, 2000.

Hon. WILLIAM M. THOMAS,
Chairman, House Ways and Means Subcommittee on Health, Longworth House Office Building,
Washington, DC.

DEAR CHAIRMAN THOMAS: The American Academy of Ophthalmology congratulates you on completion of a Medicare refinement and benefits improvement bill and we call on Congress to quickly pass the Medicare Refinement and Benefits Improvement Act of 2000.

Although we are disappointed that the committee did not include the much needed relief for specialists from Medicare practice expense cuts scheduled for 2001, we hope to work with you next year to get the Health Care Financing Administration (HCFA) to make the refinements necessary to protect beneficiaries' access to life saving and sight saving procedures that have been adversely impacted. The practice expense cuts come on top of a decade of cuts that speciality physicians like ophthalmologists have experienced in an effort to protect the solvency of the Medicare program. The committee's decision to include several new Medicare benefits and other program improvements for beneficiaries, however, is highly significant and must be commended.

Specifically, this bill reaches out to our nation's seniors to help preserve their sight and independence by providing a glaucoma detection eye examination once every two years to those beneficiaries at high risk of developing glaucoma such as African Americans and those with a family history.

It is time to address the devastating effects of glaucoma. The scientific verdict is in—treatment for glaucoma is effective and can preserve sight and quality of life. An estimated 120,000 Americans are legally blind due to glaucoma, and estimates show at least 2 to 3 million people have glaucoma although half are not aware of it. Glaucoma affects 2 to 3 percent of the nation's seniors and another 5 to 10 million individuals have elevated intraocular pressure—a risk factor for developing glaucoma. African Americans are six to eight times more likely to develop glaucoma than other populations. Other risk factors include family history and advanced age.

Early detection is the key to saving sight and this bill helps those who need it. The Academy is pleased to support the Medicare Refinement and Benefits Improvement Act of 2000.

Sincerely,

WILLIAM L. RICH III, MD,
Secretary for Federal Affairs.

PRESIDENT,
AMERICAN OPTOMETRIC ASSOCIATION,
St. Louis, MO, October 19, 2000.

Hon. WILLIAM V. ROTH, JR.,
U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: The American Optometric Association applauds your efforts to include new and important benefits in the pending Medicare Refinement Package. The American Optometric Association (AOA) represents the interests of more than 30,000 Doctors of Optometry and their patients.

We are particularly pleased that the glaucoma eye examination benefit is a part of this package. This bi-partisan supported provision is an important step in preventing blindness due to undetected glaucoma. The National Eye Institute has estimated that almost three million Americans have glaucoma. Half of these people are not aware that they have the disease. Of those who have been diagnosed with glaucoma, about 120,000 are blind. Moreover, glaucoma is a leading cause of blindness in older adults. Although glaucoma can often be controlled if it is diagnosed early, in may Americans the disease goes untreated, leading to visual impairment or blindness. Because there are no early warning signs, this disease often develops undetected until permanent vision loss has occurred.

Again, the AOA appreciates inclusion of this important preventive service in the Medicare Refinement and Benefits Improvement Act. It is an important part of ongoing efforts to improve public health and prevent unnecessary vision loss.

Sincerely,

HOWARD J. BRAVERMAN, O.P.

THE AMERICAN DIETETIC ASSOCIATION,
CHICAGO, IL, OCTOBER 19, 2000.

Hon. BILL ROTH, *Chairman,*
Hon. DANIEL PATRICK MOYNIHAN,
Senate Finance Committee, Washington, DC.
Hon. BILL ARCHER, *Chairman,*
Hon. CHARLES RANGEL,
House Ways and Means Committee, Washington, DC.
Hon. TOM BLILEY, *Chairman,*
Hon. JOHN DINGELL,
House Commerce Committee, Washington, DC.
Hon. BILL THOMAS, *Chairman,*
Hon. PETE STARK,
Health Subcommittee, House Ways and Means Committee, Washington, DC.
Hon. MIKE BILIRAKIS, *Chairman,*
Hon. SHERROD BROWN,
Health Subcommittee, House Commerce Committee, Washington, DC.

DEAR CHAIRMAN AND RANKING MEMBERS: The American Dietetic Association is pleased to support the Medicare, Medicaid and SCHIP Benefits Improvement Act of 2000 which provides critical support to Medicare providers while enhancing benefits for our nation's senior citizens. In particular, we are pleased that the legislation includes coverage of medical nutrition therapy for patients with diabetes and kidney disease. We believe this is an important first step in providing this critical service to all Medicare beneficiaries and we urge enactment of this legislation.

Nutrition therapy has been shown to be effective in the management and treatment of many chronic conditions which affect Medicare beneficiaries, including dyslipidemia, hypertension, heart failure, diabetes and chronic renal insufficiency. Medicare beneficiaries undergoing cancer treatment may also benefit from nutrition therapy aimed at controlling side effects or improving food intake. In fact, a recent study, conducted by the National Academy of Sciences Institute of Medicare and requested by Congress in the Balanced Budget Act of 1997, concluded that medical nutrition therapy—upon physician referral—should be a covered benefit under the Medicare program.

The 70,000 members of the American Dietetic Association look forward to working with you to ensure that all Medicare beneficiaries have access to medical nutrition therapy and, as a result, see a significant improvement in their health and quality of life.

Sincerely,

JANE V. WHITE, PHD, RD, LDN
President.

October 19, 2000.

Hon. WILLIAM V. ROTH, Jr.,
Senate Finance Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH: The American Association of Blood Banks, America's Blood Center, and the American Red Cross would like to express our support for the Medicare, Medicaid and SCHIP Beneficiary Protection and Improvement Act of 2000. We are pleased that Section 301 of the final conference agreement contains both the House and Senate provisions concerning blood and blood products. We would especially like to thank you, Senator Hatch and Chairman Thomas for your tremendous leadership on blood safety and reimbursement concerns.

The blood banking community believes the House provision pertaining to blood is needed to ensure that the Health Care Financing Administration accurately reflects the costs of blood and blood products in the next revision of inpatient reimbursement rates. The Senate provision is needed to ensure that the current system will be able to account for future blood safety costs in a timely manner.

We are delighted that the final package contains both these provisions. We strongly support Congressional enactment of the legislation and urge the President to sign the bill into law.

Once again, we appreciate and commend your efforts to address reimbursement for blood and blood products in legislation this year. Your efforts will help ensure that patients across the country have access to state-of-the-art blood products and services and the safest possible blood supply.

Sincerely yours,

American Association of Blood Banks,
America's Blood Centers,
American Red Cross.

ADVANCED MEDICAL TECHNOLOGY ASSOCIATION,
Washington, DC, October 20, 2000.

Hon. BILL THOMAS,
Chairman, Ways and Means Subcommittee on Health, Washington, DC.

DEAR CHAIRMAN THOMAS: On behalf of the Advanced Medical Technology Association (AdvaMed), its more than 800 member companies, and the millions of Medicare patients whose lives are saved and improved by our innovative medical tests and treatments each year, I am writing to endorse the Medicare Refinements legislation now before Congress. This bill takes important, needed steps to strengthen the program and ensure seniors' access to quality health care. We hope that the President will sign it into law.

The Medicare Refinements package will protect seniors' access to important medical services and expand and establish new preventive health benefits like screening for cervical cancer, colorectal cancer, and glaucoma.

Building on important first steps taken in the Balanced Budget Refinement Act of 1999, the bill includes additional changes to improve seniors' health by ensuring access to the latest advances in medical technology. Key provisions in this area will:

Create new payment and coding mechanisms to improve access to new hospital inpatient technologies;

Establish special payment categories for innovative medical devices under the new hospital outpatient payment system;

Mandate special methods to pay for breakthrough diagnostic tests and require Medicare to set clear, open procedures for coding and payment decisions;

Require Medicare to issue annual reports to Congress on how long it takes to make coverage, coding, and payment decisions; and

Strengthen seniors' right to appeal a noncoverage decision for a new medical technology.

Once enacted, these provisions will ensure that all seniors, regardless of where they seek medical treatment, have access to the life-saving and life-enhancing technologies and procures they need.

It would be a disservice to the 39 million seniors and people with disabilities who will benefit from your Medicare bill if I did not bring to your attention now a separate Medicare patient access issue. We just learned from HCFA on October 18th that outpatient ''pass-through'' payments for new medical technologies and medicines will be cut by 50% on Jan. 1, 2001. The Agency is taking this action despite its prior commitment in an April 7 regulation not to consider any cuts until 2002.

These severe and unexpected payment reductions could significantly restrict patients' ability to receive innovative treatments in this setting, forcing them to receive more costly and time-consuming inpatient procedures. The late hour at which HCFA disclosed these cuts and the serious implications they hold for Medicare patient access to medical technology compel me to raise the issue at this time. We hope that you will encourage HCFA to administratively delay these reductions until 2002 when the agency has had time to gather more complete data.

We greatly appreciate the sustained efforts you are making to oversee the Medicare program and make sure it continues to deliver essential health care services to seniors in the 21st century. Your work will greatly benefit the millions of seniors and people with disabilities who are covered by this program in the years to come.

Thank you for your leadership in this area. We wholeheartedly support your efforts to ensure seniors get the health care services they need and look forward to continuing to work with you toward this goal.

Sincerely,

PAM BAILEY.

GE MEDICAL SYSTEMS,
GENERAL ELECTRIC COMPANY,
Milwaukee, WI, October 19, 2000.

Hon. J. DENNIS HASTERT,
Office of the Speaker of the House, Washington, DC.

Hon. TRENT LOTT,
Office of the Senate Majority Leader, Washington, DC.

DEAR SPEAKER HASTERT AND MAJORITY LEADER LOTT: GE Medical Systems strongly supports the Medicare Balanced Budget Refinement Leadership Compromise Package that provides for differential reimbursement for new technology associated with screening mammography.

GE Medical Systems—a global leader in medical diagnostic equipment, services, and health care information management—is committed to ensuring that Medicare beneficiaries have access to breast cancer screening using the latest advances in medical technology. In partnership with the U.S. government, we have invested significant resources in the development of digital mammography technology that holds the promise for dramatically improving patient outcomes through early detection and diagnosis of breast cancer. The compromise package provides for adjustment of Medicare payment rates for screening mammography to reflect the costs associated with new technology advances like digital mammography.

We welcome the opportunity to work with the leadership to ensure that access to the benefits of digital mammography technology is a reality for Medicare beneficiaries. Thank you for your support of this important initiative.

Sincerely,

JEFF IMMELT.

To: The Honorable William J. Clinton, President.

Date: October 19, 2000.

Subject: Medicare Refinement Package.

As a representative of Tenet Healthcare Corporation, I want to inform you of our support for final passage of the Medicare Refinement Package being advocated by Congress. While we fully understand and agree with your position that hospitals should get a fairer share of the restoration funds, we fear any delay may impede final passage of any Medicare restoration. As you are well aware, hospitals would suffer severely from lower reimbursements that would result.

For the last two years, many others and I have spent significant time and effort in asking Congress to restore funding reduced by the draconian cuts imposed in 1997. We have demonstrated the short and long range negative effects on the overall quality and stability of our industry as a result of the cuts. We greatly fear that the health care industry may not be capable to meet the needs of the public, much less the increased demand of the baby boomer generation. We have been able to convince a large number of members to begin to restore funding both in 1999 and this year. While the restorations are not significant compared to the cuts, they are at least a move in the right direction.

This year we had at least hoped to receive more than one year of restoration, but settled in recent days for one year, appreciative of the Medicare and Medicaid DSH increases and the 70% bad debt allowances. We fear any last minute efforts may deter the final package. As we said before, this would be devastating. Therefore, while we appreciate your efforts to provide hospitals a more equitable share of the restoration, we ask you to assure passage of the bill this session.

Thank you for your interest.

Sincerely,

PHYLLIS LANDRIEU.

ASSOCIATION OF SURGICAL TECHNOLOGISTS,
Englewood, CO, October 19, 2000.

Hon. DENNY HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

Hon. TRENT LOTT
Majority Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER HASTERT AND MAJORITY LEADER LOTT: This letter is written in support of the agreement you have reached on Medicare and Medicaid refinement legislation. As you know, this bill makes a number of important changes that will greatly enhance the ability of hospitals to continue to delivery high-quality, cost-effective health care.

We are urging your colleagues in the House and Senate to support your package of changes and we are also asking President Clinton to support this package as well. We believe it is extremely important that Congress and President Clinton act on your proposal as quickly as possible.

This legislation represents a major improvement in the Medicare and Medicaid programs for both providers and beneficiaries. Your hard work and dedication to improving Medicaid is greatly appreciated.

Sincerely,

WILLIAM TEUTSCH, CAE, CEO,
Executive Director.

OCTOBER 19, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The National Orthotics Manufacturers Association (NOMA) strongly supports the Medicare Refinement legislation pending in Congress that includes important provisions for the orthotic and prosthetic community. We are hopeful that the President will join the health care community and support this legislation.

Specifically, we support those provisions that establish standards for billing of prosthetics and a limited number of custom-fabricated orthotics, which should help bring greater fiscal integrity to the Medicare program and ensure that beneficiaries receive the appropriate O&P items that their physicians have ordered. As well, we applaud the equity of allowing O&P to receive a full CPI update for the first time in three years, since the limited updates granted since 1998 have not kept pace with inflation.

For these reasons, we respectfully encourage your office to ensure that these important provisions remain part of any final Medicare bill that is sent to the President.

Sincerely,

The National Orthotic Manufacturers Association (NOMA).

AMERICAN ORTHOTIC & PROSTHETIC ASSOCIATION,
OCTOBER 18, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The American Orthotic and Prosthetic Association (AOPA) strongly support the inclusion of certain provisions in the pending Medicare package that is of great interest to the O&P community.

Speficially, we support those provisions that establish standards for billing of prosthetics and custom orthotics, which will bring great fiscal integrity to the Medicare program. We believe the final payment language is a step in the right direction toward guaranteeing that Medicare beneficiaries receive the best care possible and the appropriate O&P items that their physicians have ordered, as well as implementing the recommendations of the HHS Office of Inspector General and addressing the fraud and abuse of the Medicare payment system.

Also, we applaud the equity of allowing O&P to receive a full CPT update for the first time in three years, since the limited updates granted since 1998 have not kept pace with inflation. Finally, we support all legislative efforts which work toward improving the negative impact on the frail disabled which has resulted from the Health Care Financing Administration's (HCFA) issuance of Ruling 96–1, and we look forward to the results of the study included in the bill.

For these reasons, we respectfully encourage your office to ensure that these important provisions remain part of any final Medicare bill that is sent to the President.

This is important legislation, and AOPA hopes the President will sign it.

Sincerely,

President, American Orthotic and Prosthetic Association.

UBS WARBURG,
New York, NY, October 19, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Capitol Building, Washington, DC.

DEAR MR. SPEAKER: We appreciate your time and leadership to date in structuring national Medicare benefit and spending refinements. As always, we appreciate your willingness to listen to our thoughts on Medicare. We cannot stress how important the current leadership's Medicare and Medicaid relief package proposal is to healthcare providers, and to investors. We are concerned about the potential for the Medicare relief package to be de-railed by politics. Such an unfortunate scenario would, in our view, damage any private sector (investor) faith in the Medicare system that has been restored since the original Balanced Budget Act of 1997, if such faith deteriorates again, we do not believe the private sector will continue to meaningfully fund the healthcare industry, the government would end up spending exponentially more to provide care, and quality of care could be jeopardized in the near-term.

Medicare spending has been almost frozen over the last three fiscal years, and that (along with intended and unintended cuts) has taken its toll on the provider system. According to MEDPAC, roughly 35% of all hospitals are losing money on Medicare and another 31% are surviving with less than a 2% profit margin. We estimate that 18% of all skilled nursing beds are operating under Chapter 11 protection, and that 10% of all home health and hospice agencies have closed or exited the business over the past 18 months. To put this in financial terms, roughly $60 to $80 billion of value (equity and debt) has been lost—most of this by investors and lenders.

In short, we believe the very care of the healthcare delivery system (a system that has historically relied on private sector investment to meet its capital needs) is at risk of losing this essential, primary funding source. It is critical that the pending Congressional package of broad Medicare and Medicaid benefit and spending refinements is enacted before Congress adjourns. No legislation is perfect, however, the current package is good and offers necessary progress toward resuscitating healthcare providers and establishing investor confidence in the sectors. We hope and anticipate that next year's Congress will continue the progress to date and address other structural Medicare issues. But for now, please focus your efforts on passing the existing package.

We appreciate your leadership in restoring confidence and solvency to healthcare delivery and your time in weighing our views and recommendations. As always, we welcome any opportunity to further discuss these issues with you and your staffs.

Sincerely,

HOWARD G. CAPEK,
Executive Director, U.S. Healthcare Services Research.

MATTHEW J. RIPPERGER,
Director, U.S. Healthcare Services Research.

Mr. Speaker, let me just say this is not the best tax relief bill in the world. I think the best tax relief bill in the world would reduce taxes on everyone. But we have seemed to have got even ourselves in the habit of saying we want to give tax relief only to the right people, which is an incredibly arrogant position for us to find ourselves in, that we would pick and choose the people in America who are the right people for tax relief.

For example, we have heard in campaigns this year that people who have photovoltaic cells in their roofs are the right people and they can get in line; people that drive hydroelectric cars are the right people, they can get in line; people with a child under 1 year of age can get in line for tax relief, provided that child is in a day care center approved by the government.

We ought not be picking and choosing winners and losers. As representatives of all the American people, we ought to set policy everybody can succeed in, create opportunities for everyone to do well, and we ought not ever again be able to say we are only giving tax relief to the right people.

I think this is a good start in helping small businesses, but it should go to everyone. We should have let people deduct insurance, medical insurance, whether they were a large corporation or small business, a long time ago. This is a step in the right direction to do that.

Mr. Speaker, I strongly urge my colleagues to support the previous question, support the rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to alert the House that there is a provision in this statute that I think is of seminal significance for the small business community.

Since 1933, there has been a prohibition in the banking industry on the capacity of banks to pay interest on demand deposits for business. In this bill is a repeal of that prohibition. For the first time small business in the United States will be allowed to receive interest on their checking accounts at depository institutions.

It is a phased-in circumstance over several years, with, at the beginning, a concept called sweep accounts involved, and then a complete prohibition comes into play.

But I would just simply alert the body that this provision is in this bill, and I would like to also express my deep appreciation of the leadership for allowing this very important banking bill to come under consideration at this particular time.

Mr. RUSH. Mr. Speaker, I rise to vote against the rule on H.R. 2614, the Certified Development Program Improvements Act. On September 26, 2000, the House Commerce Committee approved the Beneficiary Improvement Protection Act of 2000, H.R. 5291. This bill was the result of extensive bipartisan negotiations between committee Members. Both Republicans and Democrats sat down at the same table and worked through their differences to forge a bill which addressed the concerns of hospitals, HMOs, home health networks and other providers.

Despite the differences of opinion amongst the various Members, we worked through our disagreements and passed a bill that had broad bipartisan support. I want to commend my colleagues on both sides of the Commerce Committee for their tireless efforts on that bill.

However, instead of building on the bipartisan efforts of the Commerce Committee, the Republican majority chose to go its own way and start from scratch. One month after the Commerce Committee acted, Democrats have been waiting for the Republican majority to bring us into negotiations, to recognize our willingness to compromise and to extend us the same courtesy. Last Friday, we received a document that looked nothing like the bill forged by the bipartisan efforts of the Commerce Committee. Aggravating this situation, the Republican majority has made it clear that they are not interested in entering into true negotiations on their bill. Rather they have chosen to squander this opportunity by using the calendar to pressure Members into agreeing to a ''quick fix.'' Each day the majority places one or two provisions back into the bill in an attempt to pressure enough Members who would rather obtain some relief, than nothing at all.

This approach is unacceptable. In Illinois, neither HMO's nor hospitals can wait another session for relief. This situation is not unique to Illinois, I know many of you are hearing daily from your seniors and health care providers who are pleading for relief. For the foregoing reasons, I must vote against this rule.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9, rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 209, nays 195, not voting 29, as follows:

[Roll No. 555]

YEAS—209

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—29

Ackerman
Blagojevich
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Engel
Franks (NJ)
Hoekstra
Klink
LaTourette
Lazio
McCollum
McIntosh
Metcalf
Neal
Ney
Owens
Packard
Peterson (PA)
Shays
Spratt
Stupak
Talent
Thompson (MS)
Waxman
Weiner
Weldon (PA)

☐ 1258

Mr. TIERNEY and Mr. KUCINICH changed their vote from ''yea'' to ''nay.''

Mr. MCKEON changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 200, not voting 26, as follows:

[Roll No. 556]

AYES—207

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello

Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—26

Blagojevich
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Engel
Franks (NJ)
Hoekstra
Klink
LaTourette
Lazio
Lewis (CA)
McCollum
McIntosh
Metcalf
Neal
Owens
Packard
Peterson (PA)
Spratt
Stupak
Talent
Thompson (MS)
Waxman
Weldon (PA)

□ 1309

Mr. HORN changed his vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 5178. An act to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2498. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2335

Mr. INSLEE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2335.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 653 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 653

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 653 is a typical rule providing for consideration of H.R. 4942, the conference report for the District of Columbia Appropriations Act for fiscal year 2001. The rule waives all points of order against the conference report and its consideration, and provides that the conference report shall be considered as read.

The House rules provide 1 hour of general debate, divided equally between the chairman and ranking minority member of the Committee on Appropriations, and one motion to recommit, with or without instructions, as is the right of the minority members of the House.

I want to briefly discuss the conference report that this rule makes in order. The conference report appropriates $445 million for the District of Columbia, and it appropriates $37.5 billion for the Departments of Commerce, Justice and State, the Federal Judiciary, and 18 related agencies.

□ 1315

For the District of Columbia, the bill provides $17 million for the college assistance, $5 million to help move children from foster care to adoptive families, $1 million for pediatric health clinics, and provides for the largest ever drug testing and treatment program. These appropriations go directly to improving the lives of the District's residents.

The bill provides a $384 million increase for the DEA, the FBI, and the U.S. Attorneys to ensure that our Federal law enforcers have the tools that they need in the 21st century. The bill provides an additional $548 million for the Immigration and Naturalization Service to ensure the safety of our borders and the efficiency of our immigration process.

For local and State law enforcement, the bill appropriates $4.7 billion, a total that includes dollars for law enforcement block grants and funding for Violence Against Women Act programs.

Equally important for the safety of our people, the bill provides the State Department with $6.9 billion. This total, more than the President requested, will ensure worldwide security improvements at our embassies to ensure the safety of U.S. personnel. The bill also provides full funding for our current year United Nations assessments.

I might add, it is the gentleman from Kentucky (Mr. ROGERS), chairman for the subcommittee, whose own interest in worldwide safety of our embassies has held sway in all of these debates and provided the funding for these embassies.

Mr. Speaker, I am sad to say that I have heard that the President intends to veto this bill, he intends to stop this money for local law enforcement, money for Federal law enforcement, money for the residents of the District of Columbia, money for the safety of our embassies, and money for the United Nations.

Mr. Speaker, do my colleagues know why he has threatened to veto this bill? Because it does not contain language to provide mass amnesty for those who have flouted U.S. law and come to this country illegally. Such language was not included in the House-passed bill. Such language was not included in any Senate version. Yet, the President today seems to be insisting that it is his way or the highway.

He seems to be saying today that he wants to provide amnesty to law breakers rather than provide funding to law enforcers. Rather than provide the funding to those who protect our borders, he wants to provide amnesty

to those who have illegally crossed them.

See, Mr. Speaker, the President is insisting on a rider on the appropriations bill, precisely the same kind of legislative rider that caused him to veto, 5 years ago, a continuing resolution and shut the government down. But if it is his rider, it is a good rider. If it is our rider, it is a bad rider.

Mr. Speaker, I hope that I have misunderstood the President's intentions. For all we have heard from the White House about finishing appropriations bills in a timely fashion, I simply cannot believe that he would delay funding increases for the District of Columbia, the Justice Department, the State Department, the Commerce Department and more.

I oppose the amnesty that the President seeks. But even if I supported it, I would know that it does not now nor has it ever belonged in an appropriations bill.

Mr. Speaker, this rule was favorably reported by the Committee on Rules. I urge my colleagues to support the previous question and the rule so that we may proceed with the general debate and consideration of this important conference report.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fact that this resolution is being considered this morning, or this afternoon now, is proof positive the Republican majority has no plans to adjourn the 106th Congress any time this week, this weekend, or perhaps even next week.

This rule provides for the consideration of an appropriations conference report which has little chance of being signed by the President of the United States and, if vetoed, most likely will not be able to muster the votes to override that veto.

Mr. Speaker, it is a mystery to me why my Republican colleagues persist in prolonging this session of Congress, but prolonging it they are, and quite unnecessarily.

Mr. Speaker, the Commerce, Justice, State conference language has been attached to the conference language on the District of Columbia. It is bad enough the D.C. appropriations bill has been saddled with the Commerce, Justice, State appropriations, but what is in the Commerce, Justice, State conference language is especially egregious.

Mr. Speaker, the Republican majority had an opportunity to bring fairness to immigrant families and individuals who have made the United States their home but who have been living here in legal limbo for many years. Earlier this morning, my Republican colleagues on the Committee on Rules said this language makes significant progress in reforming immigration law inequities; but, frankly Mr. Speaker, it is not fair, and it does not go far enough.

Democrats in the House and the Senate, as well as the President, handed our Republican counterparts a golden opportunity to fix a problem affecting thousands of Latino families, but the Republicans have fumbled the ball.

Mr. Speaker, the immigration language in this bill is a pieced together proposal which sounds good, but will do little to help families. It perpetuates the current patchwork of contradictory and discriminatory immigration policies enacted by the Republican Congress and leaves countless immigrants in legal limbo.

This conference report does nothing to resolve injustices that affect the vast majority of Latino immigrants now in this country. Mr. Speaker, this conference report ignores the need to stabilize the immigrant status of people who have lived, worked, and paid taxes in the United States for years. This proposal is inadequate and unjust and needs to be sent back to conference rather than to the White House.

Mr. Speaker, the President has called for these injustices to be rectified and Democrats in the House and the Senate have joined together in support of the Latino and Immigrant Fairness Act which would truly help to reunite immigrants who are already guaranteed permanent residency status with their families.

Democrats want to correct the inequity and legislation passed in 1997 which helped some Central American war refugees while excluding others and which specifically excluded immigrants from Haiti. The Latino and Immigrant Fairness Act corrects a mean-spirited law passed by the Republican Congress which vacated Federal lawsuits on behalf of those immigrants who were wrongfully denied legalization in the 1980s.

Mr. Speaker, the Republicans had a chance to fix these injustices by including the Latino and Immigrant Fairness Act in the Commerce, Justice, State appropriations bill, but they took a pass. The Republican leadership has chosen to include an immigration proposal in this conference report which, again, picks winners and losers among immigrants.

I am particularly concerned that the so-called Hatch proposal does not fix a specific problem in the 1996 immigration bill which has affected a number of legal permanent residents who find themselves subject to deportation because they pled guilty to offenses which are not deportable offenses prior to the 1996 law.

Yet, in spite of the fact that they have paid their debt for these infractions, they have become subject to deportation. The House passed legislation correcting this problem by voice vote, yet this sensible and significant reform of the 1996 law, which would keep many families together, has not been included in this Republican bill.

Mr. Speaker, this is a question of fairness and justice for Latino and other immigrant families around the country. The Republican majority has passed up an easy chance to right a wrong. The President will be exactly right to veto this conference agreement. I can only hope whenever we see the next version of this conference report, the Republican majority will include the language of the Latino and Immigrant Fairness Act which will keep families together and bring about real reform of the misguided legislation passed by earlier Republican Congresses.

Mr. Speaker, there are a number of other problems with this conference, and I will not take a lot of time to go into them. But there is another particularly troubling provision in the conference agreement which relates to the expansion of cable and satellite television service in rural areas.

It is my understanding that, as late as yesterday, the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, along with the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. STENHOLM) have been negotiating an agreement on the language to ensure that loan guarantees for rural television were used to enhance new competition and services including satellites, wireless, and cable in rural areas, and not just to stabilize existing cable companies. Yet, when the Committee on Rules met this morning, a completely different version of the rural cable language was included in the bill.

The Democratic Members who have been working with their Republican counterparts had thought they were negotiating on a proposal which would bring competition to underserved areas around the country. What is in the bill seems to be quite different from what they had been led to believe would be included. I am sure they, along with other Members from rural areas, might have legitimate concerns about this provision.

Mr. Speaker, this conference report also contains provisions in the District of Columbia appropriations that, again, as a Republican majority has done in the past 6 years, infringe on the rights of the citizens who live here, to make decisions about how their own government is run.

The provisions in the conference agreement are significant improvements on the House-passed appropriation. It is my understanding that the gentlewoman from the District of Columbia (Ms. NORTON) supports this language. However, Mr. Speaker, the residents of the District are, again, being held hostage by virtue of the fact that a bill that is nothing more than veto bait has been attached to it.

It is high time the taxpayers and American citizens who live in this city be treated with more respect by the Republican majority and that a clean D.C. appropriations bill be sent to the President.

Mr. Speaker, I cannot support this conference report because the Republican majority has, again, failed to address the real needs of real people. It is well past time for this Congress to have finished its business. I can only hope that the President will veto this conference report quickly, that the Republican majority will substitute real immigration reform for the meaningless provisions now in this report, and that we can end this Congress knowing we have done something fair and just.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation.

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

Mr. WOLF. Mr. Speaker, there are two issues I would like to address. One, this legislation has language in it which I commend the gentleman from Ohio (Mr. HALL) and also Senator JUDD GREGG dealing with conflict diamonds which are resulting in men and women in Sierra Leone having their arms cut off.

When one is out buying diamonds this Christmas, if one gets a good price and one does not know where the diamonds are coming from, one is probably buying diamonds from Sierra Leone and supporting people having their arms and legs cut off.

The other issue, Mr. Speaker, in addition, this conference report contains a provision that deeply troubles me. I want Members of this body to be aware that section 629 of the conference report would legalize interstate pari-mutuel gambling over the Internet. Under the current interpretation of the Interstate Horse Racing Act in 1978, this type of gambling is illegal, although the Justice Department has not taken steps to enforce it. This provision would codify legality of placing wages over the telephone or other electronic media like the Internet.

We have been trying, the gentleman from Virginia (Mr. GOODLATTE) and others have been trying for months and months to pass two bipartisan pieces of legislation on gambling, the Internet Gambling Prohibition Act and the Student Athletic Protection Act which would close the Las Vegas loophole on the current ban of gambling on college and high school athletes.

Both had overwhelming support. Both had several hearings on them. Both were the result of hard work. Yet, at the end of Congress, both bills die, and we bring this up to expand, to expand gambling at a time when men and women are becoming addicted to this process.

So, Mr. Speaker, as Members vote, they have to understand both of these provisions are in this bill.

I compliment the gentleman from Ohio (Mr. HALL) and Senator JUDD GREGG.

Mr. Speaker, I include the following ''News Stories From Around the Nation About the Negative Impact of Gambling'' for the RECORD, as follows:

NEWS STORIES FROM AROUND THE NATION ABOUT THE NEGATIVE IMPACT OF GAMBLING

EXAMPLES OF THE CONSEQUENCES OF GAMBLING, THE PEOPLE IT AFFECTS, AND THE REPERCUSSIONS OF SPECIFIC TYPES OF GAMBLING

GAMBLING CAN LEAD TO DEATH

''A gambler losing big dollars in the high-roller area of the MotorCity Casino in Detroit pulled out a gun Wednesday, shot himself in the head and died, police said. Terrified gamblers fled from the blackjack table where off-duty Oak Park Policy Sgt. Solomon Bell had been consistently losing large bets, witnesses said. . . . Detroit police said Bell had been gambling earlier in the day at MGM Grand Detroit Casino and was hoping to make up for some losses there. They said he lost between $15,000 and $20,000 in the two casinos during the day.'' (Detroit Free Press, 1/27/00)

''A former employee at Trump Marina Hotel and Casino [Atlantic City] leaped to his death from the gambling hall's self-parking garage early Friday. . . . [Charles] LaVerde's death marks the fifth suicide plunge from a casino facility in less than a year.'' (Atlantic City Press, 5/27/00)

''A German tourist jumped to his death off a 10-story casino-parking garage Wednesday in the third such suicide in Atlantic City in eight days.'' On Aug. 17, a gambler who had lost $87,000 jumped to his death off a Trump Plaza roof. On Monday, a dealer at Caesar's Atlantic City Hotel Casino committed suicide by leaping off the casino's parking garage. ''It wasn't clear if the most recent victim had been gambling. He left no suicide note.'' (Associated Press, 8/25/99)

A Hancock County (Miss.) woman says she killed her mother and husband last year as part of a suicide pact made in despair over large gambling debts the trio had run up at Gulf Coast casinos. ''Julie Winborn pleaded guilty in the death of her husband, Grady Winborn, 57, and her mother, Inez Bouis, 66. She was sentenced Thursday to two life sentences. She had testified that the three lost $50,000 at casinos and decided to end their lives because they could not repay bank and credit union loans.'' (Associated Press, 9/10/00)

''A Florida man who lost $50,000 while gambling [in Atlantic City] during the past two days died Tuesday after he jumped seven floors from a Trump Plaza Hotel and Casino roof onto Columbia Place, officials said.'' (Atlantic City Press, 8/18/99)

''[South Carolina 6th Circuit Solicitor John Justice said] that a man in Columbia was convicted of murder [August 30]. The fast-food restaurant employee had killed his manager at the end of the night shift. In the hours after the murder, the man had visited three video poker machines. 'When the police retrieved the $5, $10 and $20 bills from the machine, the young lady's blood was still on the money,' he said.'' (The Herald [Rock Hill, S.C.], 9/1/99)

[York County (S.C.) Sheriff Bruce Bryant] said many [gamblers] ''have the same dream: finding the six magical numbers that unlock the treasure known as the Texas Lottery. . . . Billie Bob Harrell Jr. shared those common visions of the salvation of sudden fortune. And in June 1997, he found it. . . . He and wife Barbara Jean held the only winning ticket to a Lotto Texas jackpot of $31 million. . . . And on May 22, 1999, Harrell locked himself inside an upstairs bedroom in his fashionable Kingwood home . . . investigators say he stripped away his clothes, pressed a shotgun barrel against his chest, and fired. . . . ''Shortly before his death, Harrell confided to a financial advisor, 'Winning the lottery is the worst thing that ever happened to me.'\'' (Dallas Observer, 2/10/00) brought on by video poker are not recorded in police reports. 'Arguing over video poker is the reason for many domestic abuse cases,' Bryant said. 'We've had murders in York County because of video poker.'\'' (The State [Columbia, S.C.], 7/23/99)

After a night of drinking at a Kenner (La.) casino Saturday night, a Ponchatoula man apparently short himself to death in his car outside the gambling boat, police said.'' ([New Orleans] Times-Picayune, 11/8/99)

GAMBLING CAN LEAD TO CRIME

''An insidious new kind of crime is taking hold, radiating out across southern New England from the two Indian casinos in eastern Connecticut. It is embezzlement committed by desperate gamblers, usually compulsive gamblers, who work in positions of trust. . . .

''A sampling of criminal cases over the past two years shows that the amounts of money can be staggering and that an increasing number of the gamblers are women. In all these cases, the money was used to gamble at the Foxwoods Resort Casino or the Mohegan Sun casino, authorities said.

''In May 1998, Edward Hutner of Rocky Hill was sentenced to prison for embezzling $1 million from his employer, a CIGNA subsidiary, by creating fictitious pension plan participants and moving the money through brokerage firms. A few days later, Norwalk investor adviser Richard Scarso was sent to prison for stealing $1.4 million from 13 families.

''In the fall of the 1998, two Massachusetts men, Thomas Aldred and Neal J. Colley, were sentenced to prison and home confinement for the theft of nearly $2 million from the company where Aldred worked by creating fictitious shipments of supplies. Last year, April Corlies was accused of embezzling more than $300,000 from the Cross Sound Ferry Co. in New London by manipulating records of ticket sales. She is awaiting trial.

''Early this year, Lynne M. Frank, who handled bar receipts at The Bushnell, was charged with embezzling $91,000. A few weeks ago, James Coughlin of Waterford avoided prison in his home improvement scam by agreeing to partially repay victims, who lost more than $200,000. . . .

''This week state police are working on an investigation expected to lead to the arrest of Yvonne Bell, who was Ledyard's tax collector until she resigned in June after money was discovered missing. An audit completed recently put the figure at more than $300,000. Two years ago former Sprague Tax Collector Mary L. Thomas repaid $105,000 she had stolen from her town and was sentenced to probation.'' (Hartford Courant, 8/23/00)

''Of all the heroes who emerged from the 1984 Los Angeles Olympics, perhaps none was more inspirational then Henry Tillman. A big, tough hometown kid, he had plunged into serious trouble when he was rescued in a California Youth Authority lockup by a boxing coach who saw a young man of uncommon heart and untapped talent. In a little more than two years, he would stand proudly atop the Olympic platform at the Sports Arena, just blocks from his boyhood home, the gold medal for heavyweight boxing dangling from his neck.

''But two years after his mediocre pro career ended, he was back behind bars. And now he stands accused of murder in a case that could put him away for life. . . .

''[G]ambling got Tillman into trouble. He was arrested in January 1994 for passing a

bad credit card at the Normandie. He pleaded no contest and got probation. In 1995, he pleaded guilty to using a fake credit card in an attempt to get $800 at the Hollywood Park Casino in Inglewood. . . .

''I have suffered from a long history of gambling addiction, which I am very ashamed had taken over my life,' Tillman wrote in a letter to the court,'' (Los Angeles Times, 1/26/00)

''A 56-year-old (Southern California) compulsive gambler pleaded guilty Tuesday to several bank robberies and the attempted murder of a police officer . . . (Terry Drake Ball has been battling a severe gambling addiction since at least 1971, when he received the first of his four state and federal robbery convictions, [his attorney] said. His struggle was highlighted in the past year when he won $250,000 from a casino bet on horse races . . . and lost the entire amount within three weeks, [his attorney] said.'' (Los Angeles Daily News, 10/27/99)

''A former casino consultant fought back tears as he told a federal jury Thursday that he funneled hundreds of thousands of dollars in payoffs to former [Louisiana] Gov. Edwin Edwards and his son Stephen—before and after Edwards left office in 1996. Ricky Shetler's testimony was backed by Shetler's own ledgers and conversations secretly recorded by the FBI. ''It was the most damaging to date in the six-week-old trial, and, perhaps, in the 40-year public life of the often scandal-plagued four-term governor who was acquitted of federal racketeering charges in 1986. Federal prosecutors say Edwin and Stephen Edwards and five other men took part in a years-long series of schemes to manipulate the licensing of riverboat casinos.'' (Associated Press, 2/24/00)

''The former president of the Decatur (Alabama) Board of Education will serve at least three years in prison for stealing more than $50,000 from the Austin High School Band Boosters. William Randall Holmes, 42, was sentenced after a hearing Thursday which included testimony that Holmes used a band boosters credit card at casinos in Mississippi.'' (Associated Press, 6/2/00)

''A Rhode Island woman known as the 'church lady' is free on bail after pleading innocent to stealing $3,000 from four severely mentally retarded adults at a Mansfield (Mass.) group home to play slot machines at Foxwoods Casino. . . . An organist at St. Theresa's Church in Nasonville, R.I., [Denise] Manderville worked as a caretaker for the four adults.'' (Boston Herald, 3/9/00)

''On Friday, the 24-year-old former bank manager [Lonnie Lewis, Jackson, Tenn.] pleaded guilty to embezzling about $1 million from the bank where he worked, then using the money to support a lavish lifestyle . . . Court records indicate Lewis's wife, Rita, 41, also used some of the money to gamble at casinos in Tunica. A federal lawsuit filed by the bank last year said Rita Lewis was spending about $6,500 a month at two Mississippi casinos.'' ([Memphis] Commercial Appeal, 2/26/00)

''Brian Dean Gray, a former Richmond (Va.) stockbroker, pleaded guilty yesterday in U.S. District Court to all three federal fraud charges against him for stealing more than $850,000 from clients and gambling much of it away. . . . He used more than $350,000 to gamble on horse racing, at New Jersey casinos and in card games.'' (Richmond Times Dispatch, 6/3/00)

''Stevan Datz, co-owner of the former United Surgical Center, in Warwick (R.I.), has been sentenced to five years' home confinement and five years' probation for embezzling money from his company. . . . ''He took a total of $149,859 from the company, said Jim Martin, spokesman for the attorney general's office. . . . Special Assistant Atty. Gen. Danika Iacoi, who prosecuted the case, said Datz spent the money at Foxwoods casino, on travel and on other personal expenses.'' (Providence Journal-Bulletin, 10/29/99)

''Rodney Stout, 25, of Pine Bluff (Ark.) was sentenced Friday to 30 years in prison for abducting Stacey Polston of Jacksonville and her 18-month-old daughter at gunpoint and stealing Polston's van. . . . Stout was under financial pressure, he said. He had a 'gambling problem' that came to a head when he gambled away $5,000 he had set aside for moving expenses.'' (Arkansas Democrat-Gazette, 5/9/00)

''By the time former Placerville (Calif.) police officer Jerry Olson was arrested for bank robbery last month, he had hit 'rock bottom,' his father said. Battling drug addiction and crushed under gambling debt, the 39-year-old already had lost his job. FBI agents say he may have robbed 10 banks in Northern California and Nevada.'' (Associated Press, 3/8/00)

''A former Monrovia (Calif.) cop who stole $124,000 from that city's police officers association was sentenced today to 16 months in prison and ordered to repay the money, and to pay state taxes of $11,300. . . . The former La Verne resident embezzled the MPOA money from the association between December 1994 and December 1998 to pay off gambling debts.'' (City News Service, 6/23/00)

''Former University of Southern California baseball player Shon Malani was sentenced Wednesday to two years in federal prison for stealing nearly $500,000 from the federal credit union where he worked. U.S. District Judge Helen Gillmor rejected a request for leniency made by Malani's attorney, who said he stole the money to pay off gambling debts totaling hundreds of thousands of dollars.'' (Associated Press, 3/1/00)

''A departing Florida A&M University journalism professor and former Tallahassee Democrat columnist has been charged with stealing nearly $8,000 in checks from the school's student newspaper, where he was an adviser, police said. . . . ''I've had a problem with gambling, mainly playing the lottery, and I'm seeking counseling for it,' [said Keith Thomas].'' (Associated Press, 7/27/00)

''An arraignment date for William O'Hara a former administrator of Bartron Clinic in Watertown (S.D.) charged with embezzling $670,000 from his employer to cover funds for a gambling addiction, is expected to be set this week.'' (Watertown [S.D.] Public Opinion, 6/13/00)

''A San Francisco financial planner pleaded guilty yesterday to laundering more than $6 million of his clients' money in a scheme to pay off gambling debts and other personal expenses, according to the U.S. attorney's office.'' (San Francisco Chronicle, 6/29/00)

''A 19-year veteran of the (Massachusetts) state authority that helps low- and middle-income families buy houses is believed to have funneled as much $130,000 from one of the agency's funds into his personal bank account to pay for gambling debts, officials said yesterday.'' (Boston Herald, 10/28/99)

GAMBLING CAN LEAD TO DEBT AND BANKRUPTCY

''One third of 120 compulsive gamblers participating in a pioneering treatment study have either filed for bankruptcy or are in the process of filing, a University of Connecticut researcher said Tuesday . . . . (Nancy) Petry said she recently gave a talk to a group of bankruptcy lawyers who estimated that as many as 20% of their clients had mentioned gambling as a reason for their problems.'' (Hartford Courant, 6/14/00)

''The Secret Service in investigating whether a prominent Louisville cancer doctor who went bankrupt after losing more than $8 million gambling last year committed fraud when he borrowed millions from local banks, the doctor's lawyer says. . . .''(Stanley) Lowenbraun, an oncologist, is the former president of the Kentucky Oncology Society. . . .[I]n 1998 alone he lost $8.2 million, bankruptcy records show. Most of that was lost playing craps at casinos in Atlantic City and Las Vegas, including $2 million at Ballly's casino, $2 million at Caesar's Atlantic city, $400,000 at the Hilton International Hotel and Casino, $1.7 million at the Rio Hotel $ Casino and $1.42 million at the Trump Taj Mahal Casino, according to a list of debts Lowenbraun filed in bankruptcy court. The remainder was lost betting on the horses at Churchill Down and the Sports Spectrum.'' (Louisville Courier-Journal, 11/8/99)

''Will Torres Jr. spends part of his day listening to sad stories. As the director of the Terrebonne Parish (La.) District Attorney's Office's Bad Check Enforcement Program, Torres has heard some doozies. ''I've seen people lose their homes, their retirements wiped out, their marriages. People losing everything they have,'' Torres said. Gambling, specifically video poker, is starting to catch up with drugs and alcohol as a precursor to local crime. . . ''Torres and the District Attorney's Office recently noticed an interesting trend while profiling bad-check writers: a large number of their suspects are video poker addicts. 'We're not talking about people who mistakenly write a check for groceries at Winn-Dixie for $25.33,' Torres said. 'We're talking about people who are writing checks for $25 or $30 eight times a day at locations with video poker machines or places in close proximity of video poker machines.' ''So far this year, Torres' office has collected $320,000 for Terrebonne Parish merchants who were given 3,600 worthless checks. Torres said about 30% of those bad checks are connected to gambling. ''It's eating people up,' he said. 'It's real sad when people don't have a dollar. No money for food because of gambling addictions. I've seen it up close, and video poker plays a large role in the problem.'" (The Courier [Houma, La.], 8/28/99)

GAMBLING CAN LEAD TO ADDICTION

''As many as 500,000 Michigan adults could be 'lifetime compulsive gamblers,' and the number could swell with two new Detroit casinos in operation and a third to open soon, says a new state report. The survey, released Wednesday, also found that well over half of those with gambling problems began young. 'When we asked compulsive gamblers ''When did you start having a problem?'' we were startled to learn that 77% of them said they were already compulsive by the time they were 18,' said Jim McBryde, special assistant for drug policy in the Michigan Department of Community Health,'' (Detroit News, 1/13/00

''At Detroit's Gamblers Anonymous, a spokesman says the addition-counseling service has seen a 200% rise in demand in this year's first three months over the same period in 1999. The number of calls to the state's toll-free compulsive gambling help line has risen almost monthly, from 1,817 last October to 5,276 in May.'' (Associated Press, 7/26//00)

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''With the proliferation of gambling in recent years, social workers and other mental-health professionals have seen a disturbing increase in compulsive gambling, said

Salvatore Marzilli, president of the Rhode Island Council on Problem Gambling. . . .

''In 1990, Marzilli said, there was only one Gamblers Anonymous group meeting in Rhode Island each week. Today there are 10; each has at least 20 members.'' (Providence Journal, 4/28/00)

GAMBLING CAN LEAN TO PROSTITUTION

''Escort services (in Detroit) are flourishing. Agencies with names such as Queen of Hearts and Casino Babes whisper their $100-an-hour promotions from classified ad columns and from home pages on the Internet. Two months before casinos came to town, the Wayne County Sheriff's Department began monitoring local exotic escort service Web sites; at the time, there were seven. By the end of September, two months after MGM's grand opening, that number had grown to 42.'' (Detroit News, 2/7/00)

''A growing federal probe accuses eight-year East Palo Alto (Calif.) Councilman R.B. Jones of treating his elected office like his personal cash cow. . . .

''Court documents hint that Jones' passion for gambling has compounded his legal problems. In 1997, a self-described former mistress gave sworn testimony that she moonlighted as a prostitute at Navada brothels from 1983 through 1991 'when Mr. Jones needed money for his gambling.'" (San Francisco Chronicle, 7/31/00)

GAMBLING AFFECTS CHILDREN

''A 4-year-old girl remained in protective custody (in Fort Mill, S.C.) after her mother was charged with leaving her in a locked car while she played video poker.'' Tuesday in Ridgeland, a woman whose 10-day-old baby died in a sweltering car while she played vedo poker was given a suspended sentence and five years' probation.'' ''York County (S.C.) Sheriff Bruce Bryant said such incidents reflect the addictive nature of video poker. 'You see the same thing with people addicted to cocaine and heroin. They lose all rational thought and will do anything to support her habit, sell the furniture right out of their house, leave their babies in locked cars during the middle of summer.' (The State [Columbia, SC], 7/23/99)

''Children have been left unattended at Indiana's riverboat casino more than three dozen times while their parents or other guardians were gambling during the past 14 months. A Courier-Journal review of Indiana Gaming Commission records found 37 instances involving an estimated 72 abandoned children since May 1999, when the state first began compiling reports of such episodes.

''In one case, an infant had to be revived with oxygen.'' (Louisville Courier-Journal, 7/8/00)

''A woman was arrested [in Shreveport, La.] on two felony counts of cruelty to a juvenile after she allegedly left two children in a car with the windows rolled up while she played video poker.. . . The girls in (Candice) Bradley's custody—ages 5 and 2—were in the woman's car, which was parked in the sun and its windows were shut, [a police spokesman] said. The National Weather Service reported the temperature at that time to be 89 degrees.'' (Associated Press, 7/26/00)

''A Rhode Island woman was arrested Saturday after police discovered that she left four children unattended for 14 hours at Foxwoods Resort & Casino.'' (The Day [New London, Conn.], 7/16/00)

''A Westville (Indiana) woman arrested last year for leaving her infant daughter in a car to gamble is being prosecuted again, accused of leaving her children home alone so she could play the odds. . . . [Friends] found the children, aged 15 months and 4 weeks, alone inside the residence.'' (South Bend [Ind.] Tribune, 7/21/00).

''A 31-year-old Virginia woman has been arrested on neglect charges for leaving six young children unattended in a sweltering vehicle while she and her mother played the slot machines at the Caesars riverboat casino.'' (Louisville Courier-Journal, 7/12/00).

GAMBLING AFFECTS FAMILIES

''There is an ugly undercurrent that's sweeping away thousands of Missourians-people whose addiction to gambling has led to debt, divorce and crime. This is a world of people like Vicky, 36, a St. Charles woman who regularly left her newborn son with baby sitters to go to the casinos and who considered suicide after losing $100,000. ''And Kathy, a homemaker and mother of two from Brentwood, who would drop her kids at school and spend the entire day at a casino playing blackjack. She used a secret credit card that her husband didn't know about to rack up more than $30,000 in debt. . . .'' (St. Louis Post-Dispatch, 2/6/00)

''The battle against domestic violence is gaining ground, and work by University of Nebraska Medical Center researcher Dr. Robert Muelleman is helping. . . . Muelleman worked on a . . . study at the UNMC hospital this summer. The study has not been published yet, so the results are not entirely concluded, he said, but some preliminary inferences can be drawn. 'It looks as if problem gambling in the partner is going to be as much a risk factor as problem alcohol, and that's really new information,' he said.'' (Daily Nebraskan, 1/13/00)

GAMBLING AFFECTS THE UNDERAGE

A study released Tuesday suggests young people age 18 to 20 apparently have little problem playing video poker or buying lottery tickets [in Louisiana]—even though they are legally too young to do so. . . . The study is based on a series of stings conducted by Louisiana State Police early last year with the help of underage informants. . . Under the direction of State Police, underage informants visited 501 lottery retailers in early 1999. They were successful buying lottery tickets 64% of the time. The underage informants also made 501 attempts to play video poker and were successful 59% of the time.'' ([Baton Rouge, La.] Advocate, 5/10/00)

GAMBLING AFFECTS SENIORS

''[A survey] conducted by a [Las Vegas] problem gambling center and UNLV professor Fred Preston, found that nearly 60% of Clark County residents older than 55 gamble, while 30% do so at least once a week. . . .

''Just under 3% of seniors had problems with gambling at some point in their lives, while another 2.4% had signs of pathological gambling in the past. . . . The UNLV researchers also found that 20% of those seniors who gambled said they knew at least one person with a gambling problem.'' (Las Vegas Sun, 7/31/00)

GAMBLING AFFECTS COLLEGE STUDENTS

''As allies of the National Collegiate Athletic Association push legislation that would ban wagering on college sports, a new study found that one out of every four male student-athletes may be engaging in illegal sports betting—and that one in 20 places bets directly through illegal bookies. And though prevalent among student-athletes, the study found that sports wagering activity is higher among ordinary students—39% among male nonstudent athletes. . . .

''The study surveyed 648 student-athletes and 1,035 students, both male and female, at three midwestern universities. . . . The study also found that 12% of male student-athletes—roughly the same portion as non-athletes—showed signs of problem gambling. About 5% of the overall athlete sample demonstrated signs of pathological gambling disorders.'' (Las Vegas Sun, 7/6/00)

CASINOS

''Tethered to his post by a curly plastic cord that stretched from his belt loop to a frequent-player card inserted in a Black Widow slot machine, James Lint pondered. What happens to the little guy when casinos come to town?

'''I see a lot of people leave with tears in their eyes,' said the Georgia businessman, taking a short break from the machine in Biloxi's Beau Rivage casino. 'They come here too much, and they spend too much money.'

''Lint, who flies his private plane to Biloxi three times a year to kick back at the casinos, doesn't count himself among the ranks of those who gamble away what they cannot afford. But some people do lose their grocery money to slot machines, and no one—not casino operators, not gung-ho promoters of the industry—denies it.

''It would be hard to: The Mississippi Coast has been at the center of several high-profile compulsive gambling incidents, including one involving two famous writers, brothers who squandered an inheritance worth more than $250,000 at blackjack and slots.

''It is a hard-edged reality that happens—at casinos, at racetracks, at church bingos, at state lottery outlets. The Mississippi Coast has seen a 26-fold increase in the number of Gamblers Anonymous meeting—to 13 a week—since the first casino opened in 1992.'' (Lexington [Ky.] Herald-Leader, 9/12/99)

''Detroit's casinos, the city and state are raking in more profits and tax money than even they expected, but legalized gambling is not yet making a ripple in the lives of most Metro Detroiters.

''How come all those promises and nothing has been developed?' asked George Reo, who lives on Auburn on Detroit's northwest side. 'A lot of improvements were supposed to happen and, in my mind, they should have happened by now. I don't see any improvement in city services. Taxes aren't lower.'

''As Detroit prepares to mark the first anniversary of casino gambling on July 29, not all the hopes and expectations that surrounded the heady, early days have come true:

About 7,500 new jobs have been created. But the 10 million people who'll gamble here this year aren't boosting most others businesses.

''There's been little economic spin-off for stores, bars, clubs, sports teams or cultural institutions.

The $50 million in casino taxes collected by the city in the just-completed fiscal year disappeared into its general fund. So far, that's not translated into additional police officers, recreation centers, widespread neighborhood improvements or lower taxes.'' (Detroit News, 7/23/00)

''Seven months before the (Illinois) General Assembly voted last year to approve a new casino for Rosemont, a small group of rich and influential figures in Illinois gambling met in a Northern Michigan Avenue high-rise to plot to divvy up the jackpot. Their agenda: appease a big potential opponent to the plan, Arlington International Racecourse owner Dick Duchossois.

''In the end, according to sworn testimony given by Duchossois and aides in a federal lawsuit, the racetrack owner and major political contributor was promised a 20% stake in the new Rosemont boat if he used his considerable influence in Springfield to help get it approved. ''Depositions in that lawsuit, obtained by the Tribune, provide the first detailed glimpse into the intricate plotting, horse-trading and double-dealing that went on behind the scenes to win state approval for a new riverboat sure to make it owners reap tens of millions of dollars a year in profits.'' (Chicago Tribune, 4/2/00)

''Senate President John Hainkel, R-New Orleans, has accused the riverboat casino industry of trying to use the Louisiana Association of Retarded Citizens to pressure senators for a limited gambling tax increase.'' ([New Orleans]) Times-Picayune, 6/11/00)

''More than half the state's adult population has visited a casino, either in Michigan or elsewhere, a statewide poll shows . . . People at the top and bottom of the income scale are the biggest spenders at the casinos. Those making less than $15,000 a year spend $172 per visit, and those earning more than $100,000 per year spend $161 per visit. People in the $30,000–$45,000 income bracket spend the least, reporting an average of $87.40 per visit. ''Pollster Ed Sarpolus noted that the age groups most likely to visit casinos are between 18 and 24, and between 50 and 54.'' (Detroit Free Press, 11/17/00)

''California Indian tribes that operate gambling casinos have spent something in excess of $100 million, and perhaps as much as $150 million, in the past decade on contributions to politicians, video ad campaigns for two ballot measures, lobbying fees and other forms of 'political action.' And in doing so, the tribes have arisen from virtual invisibility to become the single most powerful political force in the Capitol. . .The goal of that years-long political effort was simple: A monopoly on full-scale casino gambling in California. And by any measure, it's been a stunning success. . . .

''Tribal casino operators already have announced plans for lavish new facilities throughout the state, some costing more than $100 million to construct. Nevada gambling corporations, which originally fought the Indians, are now joining them by forging management contracts with the tribes. . . . Bill Eadington, a University of Nevada, Reno, specialist in gambling economics, has concluded that by the end of the decade Indian casinos will be pulling in $5.1 billion to $10.3 billion a year in gambling revenues.'' (Sacramento Bee, 7/2/00)

STATE LOTTERIES

State officials are admitting a small core of heavy gamblers, many of them poor, are the mainstay of the California Lottery. The voter-approved lottery that benefits public education has maintained for 15 years that lottery players simply reflect the population of California. After an ANG Newspapers report in December and subsequent grilling by legislators, the Lottery began compiling figures that show a fifth of its players account for 90% of the multibillion-dollar sales. . . .''Of the 2 million heavy gamblers, more than half are from households earning less than $35,000 a year. People from households earning less than $25,000 annually make up 41% of the lottery's heavy gamblers while they are less than a third of California's adult population. The heavy, poor gamblers spend an average of more than $830 a year on the games.'' (Las Vegas Sun, 2/24/00)

''State lotteries hurt the poor and have lousier payouts than other types of legal wagering, the former head of a federal panel on gambling said Tuesday. Calling lotteries 'a regressive tax' on the poor with particular impact on minorities, Kay James said states don't regulate their gambling as well as government regulates gambling by business...She spoke Tuesday at a Minneapolis program sponsored by the Center of the American Experiment which wants Minnesota to ban most lottery ads, raise the age for buying tickets from 18 to 21 and prohibit new gambling.'' ([Minneapolis] Star Tribune, 10/27/00)

''Hoping to boost sagging sales, the Ohio Lottery has doubled the daily drawings of games played most heavily in black neighborhoods, some of them the poorest in Cleveland. . . .In areas of Cuyahoga County where more than half of the residents are black, sales per capita—$234—are three times higher than in areas where a majority of residents are white. Sales are heavier in lower-income neighborhoods of Cuyahoga County. Where the household income is below the county median of $35,381, per-capita betting is twice as high as areas above the medium.'' (Cleveland Plain Dealer, 10/10/00)

''A three-month investigation by the Pittsburgh Tribune-Review found Pennsylvania Lottery sales come disproportionately from the poor and working class. In Allegheny County, the most recent lottery records available show stores in neighborhoods with per captia incomes lower than $20,000 sold more than twice as many tickets per resident as those in neighborhoods where the average incomes exceeded $30,000. . . .''The lottery's 1997 study found 39 percent of 'heavy' players—those who bet at least once a week—report household incomes below $25,000 a year.'' (Pittsburgh Tribune-Review, 8/22/00)

''The state [of Florida] is preying on poor people by selling Lottery tickets at check-cashing stores that offer short-term, high-interest loans against a future paycheck. According to sales from the 1988–99 budget year, Florida Lottery tickets are sold by 161 check-cashing stores, payday loan stores and pawnshops, many located in low-income neighborhoods.'' (Miami Herald, 11/25/00)

INTERNET GAMBLING

''More than 850 Internet gambling sites worldwide had revenues in 1999 of $1.67 billion, up more than 80% from 1998, according to Christiansen Capital Advisors, who track the industry. Revenues are expected to top $3 billion by 2002.'' (Reuters, 5/31/00)

LOBBYING FOR GAMBLING

''Lobbyists [in West Virginia] have spent more than $1 million in the past five years to get the attention of state officials, and gambling interests are the biggest spenders. . . . Lobbyists for gambling interests have spent more than $220,000 since 1996, compared to about $3,333 spent by gambling opponents.'' (Las Vegas Sun, 6/5/00)

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Texas (Mr. FROST) for yielding me the time.

I want to also stand up, like the gentleman from Virginia (Mr. WOLF) has just done, my friend, and talk about conflict diamonds. There is a section in the bill that deals with the issue, section 406. It is an amendment that is supposed to eliminate the problem. I do not think that it will, although I support it. I regret that an alternative that I negotiated and all sides agreed would be preferable, but it was not included in the conference report.

Conflict diamonds or blood diamonds are diamonds that are sold in the United States. They are sold in great numbers. The problem with it is that these conflict diamonds come from countries like Sierra Leone, the Congo, Burkina Faso, Liberia, and Angola.

What they do is they arm the rebels. They make the civil war go. What has happened over the years is that they have killed people. They have maimed all kinds of children. We have actually had hearings here in the Congress. They go to disrupt society. Sierra Leone is still disrupted as a result of these conflict diamonds.

Today the industry is trying to play catchup, and they are acting like they are trying to play catchup. They have come up with a solution to this problem. For years, it has ignored the rebels' role in overthrowing the democratic government; but over the same period, the diamond industry has raked in phenomenal profits. Last year alone, the industry leader posted an 89 percent increase in profits.

Until now, Congress has demonstrated little leadership on this issue; and we really failed on this particular issue. There have been some shining exceptions: the gentleman from Virginia (Mr. WOLF), the gentleman from California (Mr. ROYCE), the gentlewoman from Georgia (Ms. MCKINNEY), people that supported the CARAT Act, Holly Burkhalter, who is a human rights advocate with Physicians for Human Rights, and Amnesty International. They have been tremendous on this issue.

I want to thank Senator GREGG in the Senate. He has been great on this. He stood alone on this. However, his amendment, the reports are that the administration is saying it will not enforce this provision. That is deeply troubling to me because of the industry's attempt to renege on its compromise with the coalition because of assurances it has received from U.S. officials that they have no intention of enforcing Senator GREGG's amendment.

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And so if this is the case, we are back to square one.

The problem with it is that I think probably we need to take the gloves off. We need to go to the American consumers and tell them that they are contributing to killing; that they are contributing to the fact that people are being raped, children are having their arms cut off, and the reason why that is happening is because they are buying the diamonds. We need to inform the consumers in America that when they go into a store that they should ask the question, where do these diamonds come from; what is the history of these diamonds. And if that question cannot be answered, they should not buy the diamonds.

Americans buy 65 percent of all the diamonds in the world. We can make a difference in Africa; we can take the profit out of war. It is time we take the gloves off. We have the chance to really do something. Oftentimes, as we look at Africa, we do not have leverage. We can do something because we buy the diamonds in the world. We can stop these blood diamonds. We can make a difference.

The industry has had a chance. They have let the clock run out. The administration has had their chance; they have let the clock run out. The majority party had their chance, and they have let the clock run out. This is what

makes us look bad, when we can do something that makes a difference for people and stop the killing.

Hopefully, we are not finished here. If this bill is vetoed, we might have a chance for another shot at doing something right.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this rule. The American people need to pay close attention, however, to the maneuverings that are going on in these last closing days of Congress. During this time, Members of Congress are, of course, anxious to go home and campaign, so the American people should pay close attention to what the Clinton-Gore administration is threatening those of us in Congress to do unless we do what they want.

In fact, there is a veto threat to this Congress over the D.C., Commerce-Justice-State conference report. And what is that veto threat that the Clinton-Gore administration is making to Congress? Unless we include a general amnesty for all illegal aliens, a general amnesty meaning millions of illegal aliens to be permitted to stay in this country, the President is threatening, the Clinton-Gore administration is threatening to veto this bill and keep Congress in session. Millions.

It has been described as family reunification. No, the Republicans are suggesting a compromise. Let us put people together who fell through the cracks 10 years ago and have some family reunification. What Clinton-Gore is demanding is a mass, a mass, amnesty for millions of illegal aliens, bypassing all of the legal restrictions making sure that all those people all over the world who are waiting in line to come here legally will be made fools of; making sure that millions of illegal aliens, people who are now illegally in this country and have violated our laws are eligible for education and health benefits because they are now legally in our country.

Is this what we want to do with our surplus? Is this what Clinton-Gore wants to do with the surplus? We cannot give it back in some sort of modest tax relief; but we can, instead, grant millions of people who have come here illegally the right to consume benefits and cost the government billions of dollars.

The last time we granted such an amnesty was in the mid-1980s. I come from California. I saw what that did to our country. We are talking about a huge increase in illegal immigration right after that amnesty. Because every time we give an amnesty to illegal immigration, it is like putting out a welcome mat: come on in from all over the world. Because if they can get here they know they will eventually be able to outwait these people and they will be able to get government benefits just like everybody else.

I know how painful this is for some people on the other side, Mr. Speaker, who just tried to describe this as family reunification. That is not the demand of the Clinton-Gore administration. Again, it is a betrayal of the American people, the people who are here legally, who have come here as immigrants legally through the process. Those people, they love this country enough to obey our laws. Should we then reward people who have just thumbed their nose at the legal system and come here illegally and put them on an equal par to those legal immigrants, those people who make our country and have such a beneficial effect on our country?

There is a lot of politics being played in this country right next to this election. There are some people who are calculating that Americans of Hispanic descent, especially Americans of Mexican descent, in some way like illegal immigration. That is an insult to those American citizens. This bill is an insult to them; and it is an insult, as I say, to the legal immigrants who have gone through the system and done what they were supposed to do and are making fine U.S. citizens.

But, no, what we have now is a threat from this administration, and I believe it is for political reasons, to make sure that millions of people who have come to this country are made legal in an amnesty program, and a general amnesty. Again, let me say that those of us on the Republican side are willing to compromise. We think it is a fine compromise to bring family reunification, and a much lower level of people would be involved in this, and it is a humane thing to do. But a general amnesty is a betrayal of our country and our people.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, if Members want to know why they ought to vote against this bill they have more choices than a New York delicatessen.

I do not understand what is happening here, because up until 2 days ago we were proceeding on a bipartisan track, and we were going to pass this bill by a good margin. Now that has fallen apart.

There are a number of problems with this proposition. First of all, the problem is the lack of fairness in terms of the way it deals with immigration issues. I will not get into that now, but later in the debate there will be people on this floor who will bring this issue to my colleagues in human terms so that they can understand the unfairness and the human pain that is being brought to individual human beings by what this Congress is trying to do.

Second, we have the problem of the threat to privacy of every American posed by abuse of the Internet; the ability, for instance, to use Social Security numbers to unlock all of the secrets of the lives of individual Americans.

There is a provision included in this bill which will make matters worse than they are today. It is called the Amy Boyer law. She is a young woman who was tracked down by a stalker and murdered, because he was able to get her Social Security number and then find out her place of work, and wound up being killed because of it. This provision in this bill is named for her, but her father is so outraged by the way this has been handled that he is asking that her name not be associated with it in any way.

Third, this bill appropriates enormous amounts of money for coastal areas to protect fragile environments. The money in this bill for that provision is 50 percent higher than the compromise amount agreed to in the interior appropriation bill just a month ago. But much of that money will not be used for protection of our coastal areas. It will, instead, be used for the degradation of those coastal areas.

After weeks of negotiations, the Senate flatly rejected a request on our part to add one sentence to this bill, which simply said that any funds used for construction in coastal areas be used for environmentally-sound projects. That was rejected. As a result, the prevailing position in this bill is that the majority of money will be used for environmentally-unsound projects. That alone is reason enough to veto this bill.

There was also an earlier effort to reach an agreement to provide about $40 million for the most serious remaining water pollution problem we have, nonpoint source pollution. Instead, this bill cuts that $40 million to $10 million and uses every dollar of that $30 million for pork projects in coastal States. I did not know that Kentucky was a coastal State, but it is going to get some money.

There are other problems associated with this bill. No money for tobacco litigation. That is going to cost the Treasury millions of dollars. There are five reasons why this bill ought to be rejected, and we will hear more as the debate progresses.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Speaker, I regret that some would use fear, would use the darkest shadows that might exist within our society, would use false statements to try to describe something that is basic justice. I guess Governor Bush's compassion does not extend to his party here in the majority in Congress.

What we seek in this legislation, that is not here, is three simple common sense justifiable public policy immigration issues. They are: one, during the 1980s, the INS wrongfully denied, under U.S. law, thousands of persons who could have legalized their status to do so. And that is universally recognized. That injustice of the government should not be on the backs of those families but should be on the back of a

government that unjustifiably, illegally denied them their opportunity to adjust their status. So we look to right that wrong.

We hear a lot about family values. Well, that is what 245(i), which was the law of the land, stripped away by the Republicans in their last immigration bill, seeks to accomplish. We simply seek to restore that which was the law of the land and say that U.S. citizens and permanent residents who have family members here in the United States and who, under existing immigration law, have the right to adjust their status, should not be ripped apart and sent back while they are waiting to legalize a status that they have every right to accomplish. We should preserve families, and that is a family value.

And lastly, during the Reagan-Bush era, we conducted wars in Central America in promotion of democracy. And we told those people that they would have a place here while those wars raged. Now we seek to turn our backs on them instead of giving them the same right that this Congress gave to Nicaraguans and Cubans. They deserve the same rights.

This is not about a blanket amnesty. This is about fairness and justice in helping taxpaying law-abiding individuals who have made their families here in the United States. And the Latino community is watching as to what this Congress does on these votes.

□ 1345

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, when we talk about real Latino and immigrant fairness, whom are we talking about? We are talking about legislation crucial to immigrants from all backgrounds, from all countries, to every American who understands that our country was built by people from around the world, that it once offered sanctuary to those fleeing the dangers around the world.

I am gratified that many of my colleagues have joined me in cosponsoring legislation to rectify this crisis, to protect people who have fled political violence in Central America and the Caribbean, to provide relief to immigrants who have resided in the U.S. since 1986 and some decades before, including many of those who were wrongly turned away admittedly by the INS and Immigration officials when they sought their permanent adjustment, and to reinstate a family-based visa program 245(i) program.

Instead, we are left with so-called ''LIFE'' bill, a bill that was hatched by Republicans in the last 24 hours. Let me tell my colleagues, this LIFE bill is rife with errors, most notably, the error of omission.

An immigration bill that does not address the issue of parity for all Central Americans is not worth the paper it is printed on. It is unworthy of serious discussion other than sharp criticism. It is a relic of Cold War politics.

Because immigrants and Latinos, among them millions of voters, will not be deceived by this ploy, will not be dissuaded from our goal nor divided from each other.

This current proposal is the legislative equivalent of offering a single cup of water to an entire band of people who have been exiled, left to wander for years through the desert; and then its sponsors have the audacity to expect those tired and thirsty people to be grateful for a few elusive drops of water of relief.

Mr. Speaker, do not send Members home until we allow immigrants to continue to call America their home. Do not allow this Congress to end until we have brought an end to the injustice and insecurity that has plagued the immigrant community.

I urge Members on both sides of the aisle, remember the principles at stake. Forget about politics. Forget about partisanship. Instead, focus on the principles of fairness, freedom, and families.

Ronald Reagan signed the amnesty bill of 1986. Let all those be in America that Ronald Reagan signed a bill for.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Southern California (Mr. BILBRAY).

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

Mr. BILBRAY. Mr. Speaker, I was in the House and listened to the discussion, and I guess the discussion of talking about a drop of water is maybe very appropriate.

Some Members here may not know this, but I am probably the only Member of Congress that has rescued illegal immigrants as they were drowning. I am probably also the only Member of Congress that, sadly, has had to recover their bodies when they were not rescued.

Now, I would just ask, as we talk about this in political terms, that we remember there is a human factor here. And the human factor is not just in the neighborhoods way up north. The human factor is also in our neighborhoods along the frontier.

Mr. Speaker, I would like to remind my colleagues that over 260 people die every year trying to come into this country illegally and that is more or equal to those who were killed in the Oklahoma explosion.

I wish this institution would be as outraged at the carnage along our frontiers as they are with the terrorism within our borders. But they admit it is not the fault of the Immigration Service that we have these problems. It is the fault of those fuzzy thinking people around this country who think that breaking the law and rewarding people for breaking the law somehow will come out to be a good thing.

The concept of breaking the basic tenants that, playing by the rules, people should be rewarded, breaking the law and breaking the rules, they should not be, that is a basic concept we try to especially teach our children.

But will this institution learn that?

I am just asking my colleagues to consider that every one of us that offers a job or offers a benefit or offers amnesty to somebody who is illegally in this country is doing the bait-and-switch on those people that are out of the country right now watching, that they are going to say, let us come to America illegally because the Congress of America will reward us for doing that; and then when they are drowning, when they are dying in the desert, when they are dropping off the cliffs in the Southwest, we will be responsible for it.

I am asking us to get back to common sense and fairness, playing by the rules here in Congress and in our immigration policy.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I intend to vote against this rule and against the conference report because of what it does not contain as well as what it does contain.

The conference agreement does not contain language that would embody the Latino and Immigrant Fairness Act. I heard the last gentleman that spoke just say they are breaking the law. There is a time for fairness, which indeed is above the law.

This bill does not contain language that would allow those persons who have lived in the United States since 1986 to have access, simply to have access, to legalize their status while they are indeed making a contribution to the society and paying taxes.

Most of these immigrants are doing essential work in our communities that no one else will do. We take advantage of them but give them no benefits. We indeed should be ashamed of ourselves. It may be they are breaking the law, but it is immoral what we are doing to them.

The bill does not contain language that will allow persons who wish to remain in America to pay a fee so they can stay here with their families. We say we are about family values, but we are breaking families up.

This bill does not contain language that would give equal treatment to all Central American immigrants, including Haitians, to live and to work here and to participate in the citizenry. And while the bill does not include language that would treat these immigrants fairly, guess what it does do? This bill does include language that will allow the Federal Government to invade the privacy of citizens and obtain information from census data that every citizen believes they gave in confidence to their Government. In fact, we said to them that no one would indeed know about that information.

The census, Mr. Speaker, is very important. But our word is even more important. We should indeed be ashamed of what is not in this bill as well as what is in this bill.

I urge defeat of both the rule and this bill.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman from Texas for yielding me the time.

Mr. Speaker, I rise in opposition to this rule and to the underlying bill because of an important omission in the bill, Section 245(i) of the Immigration law. It sounds like a technicality, but it is not.

I would like to tell my colleagues about Vicky Lynn Gonzalez of Beaverton, Oregon. She married a man named Luis Gonzalez. Together they have a son, Alex, who is now 2 years old.

Vicky Lynn goes to college at night, works full time. But because section 245(i) was removed and is not in this bill, Luis is waiting in Mexico and Alex is growing up alone.

This is unfair. This is unjust. This is not friendly to families. I know because I had to grow up without my father because that was a sacrifice that we had to make to get to this country.

I do not want any other American child to have to grow up without their parent because of some omission that we can fix in this bill today.

I ask for a no vote from all Members who care about families, who care about children, who care about children growing up with care from both parents. Vote no on this bill.

Remember Vicky. Remember Luis. And remember Alex. I ask for a no vote on the rule and on the bill.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out to the gentleman who just spoke that that is not an omission. This is not a technical omission. That provision that he desires to be in the bill was not in the House bill and was not in any Senate version and has not had a hearing. It is the desire of this President and the rest of them to add a rider to an appropriations bill that would satisfy them. But it is not an omission.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to this rule. The underlying bill has some good news in it, and that is there are more programs and more money for coastal impacted areas, for oceans and Great Lakes and wildlife. But that is only on the surface. The bad news is that those monies are sucked away for pork for earmarks, for projects that have fingerprints all over them for special interests in particular districts in this country.

So they are taking generic money that is supposed to be used for non-point-source pollution, which should affect every one of the 50 States, and putting more money into it and then sucking it away, so that there is only $10 million left for the entire country. And where does that money go? It goes to specific projects in specific States that are partisan and very biased.

Most of it, I have to say, is not from this House. It is from the other body. The other side is grabbing money that we in the House of Representatives ought to be applying to all the people of the United States so that they can have some special interests. That is wrong, and it is so wrong that people should vote no on this rule.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to respond to my friend the gentleman from Georgia (Mr. LINDER) about omissions, about some things that are not in the House or not in the Senate bills.

I would say to my friend, there are commissions and omissions, and we believe there is an omission. There is an opportunity to do the right thing. There is an opportunity to right a wrong. There is an opportunity to correct a mistake made by the Congress of the United States. To not do so when one has the opportunity to do it is, I suggest to my friend from Georgia, an omission and, in addition to that, a grievous omission.

This provision has been talked about for months now. It is called Latino fairness. But as the gentleman from Oregon so correctly observed, it is for fairness for everybody.

I want to tell my colleagues why I rise on this floor and feel so strongly about this provision. The gentleman from Virginia (Mr. WOLF) is on the floor. I am glad he is on the floor. He and I, during the 1980's, were members of the Commission on Security and Cooperation in Europe, the Helsinki Commission. And we are still members of that. And one of the things that we fought shoulder to shoulder to do in the 1980's was to ensure that families would be together, that families would be unified.

The issue there was whether or not the Soviet Union was going to allow individuals out of the Soviet Union to unite with their families. The issue here is whether the United States is going to force people out of the United States to become disunited from their families and whether or not we will provide for greater unification of families from throughout Central and South America in a fair way.

□ 1400

There ought to be a resounding ''yes'' to that question. There ought to be a resounding ''no'' as the gentleman from Oregon says to this rule so that we cannot commit the omission which has been so grievously perpetrated in this bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Speaker, I rise today to oppose the attempt to gut privacy provisions in the Commerce-Justice-State appropriations bill.

Earlier this year, the House passed strong privacy legislation that would protect against misuse of Social Security numbers. Now we are being asked to weaken a good piece of legislation.

Amy Boyer was the first known victim of an Internet stalker. Her killer purchased information, including her Social Security number, from an online information broker for $50. He then used her Social Security number to track down Ms. Boyer.

Ms. Boyer's family has said that they do not want this language included in this bill and have gone so far as to say that they want their daughter's name removed from the bill because it does not stop people from obtaining private information from information brokers.

Yesterday, the Washington Post called this language a Trojan horse. Mr. Speaker, this will not stop future stalkers from obtaining Social Security numbers. This language would roll back the progress made by this body. We must not ignore the privacy rights of the American people.

Mr. Speaker, I urge my colleagues to reject this legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, if you take a look at the back of your Social Security card, you will see the statement: improper use of this card and/or number by the numberholder or by any other person is punishable by fine, imprisonment, or both.

Now, the premise of the Amy Boyer bill was supposed to be that we would ensure that we protected against a felon purchasing any one of our family's Social Security numbers and then using it in a way, as did the stalker of Amy Boyer, to kill her, or to do anything even less severe than that that just interfered with the privacy of the families of our country.

What has happened, however, is that the bill has now been amended by the Senate and sent back to us, although we never agreed with this, and here is what the back of the card is going to say from now on: improper use of this card and/or number by the numberholder or by any other person is not punishable by fine, by punishment, by imprisonment, or by anything. You can do whatever you want with America's Social Security numbers.

So something that was originally intended to protect people like Amy Boyer, a 21-year-old young woman, and everyone else in our country like her has now been transmogrified by the direct mail industry, by every other institution in America that wants to turn each one of our family members into a product marketed as though we have no privacy rights, no ability to protect our own information, and use the Social Security number, the government-provided Social Security number, as the clue to every single person's privacy in our country.

We should reject this Senate provision. On the House side, the gentleman from Florida (Mr. SHAW), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Wisconsin (Mr. KLECZKA), the gentleman from Texas (Mr. BARTON), we all agree on what should be the protection. There really is not a debate on the House side. But just because it is the last minute of the session, we should not accept something that turns privacy in our country on its head.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE).

The SPEAKER pro tempore (Mr. HANSEN). The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 1½ minutes.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish I could give my appreciation to those who brought this bill to the floor of the House. But clearly this is a true example of compassionate conservatism, when so many of us are left out of the circle of inclusion in this legislation.

First, let me say what a poor example of procedural prowess to attach to the District of Columbia bill disparate legislation that has nothing to do with the fine people of Washington, D.C., attaching this bill dealing with Commerce and State and Justice. Then might I say that after all the begging, as the ranking member of the Subcommittee on Immigration and Claims, working with so many of the leaders of this Democratic Caucus, of the Hispanic Caucus, of Senator REID, and not having the Latino Fairness Act that deals with restoring the rights to those who deserve to be counted in this country, taxpayers, families to be reunited, individuals who are strong and who demand and should receive the right to access legalization, our friends and our neighbors.

And then this country, under this Republican leadership, refused to stand up and acknowledge that most Americans support hate crimes legislation. It is not divisive; it is inclusive. It is to say that all of us are under the same umbrella and that in fact we are against the attack on the Jewish day care center in California or the citizens going to church in Illinois who were shot by a hateful person who believed that we should divide and not overcome division.

I would ask that we send this bill back and do the right thing for our good friends of this Nation and restore their rights as immigrants to make them citizens.

Mr. Speaker, I am very disappointed in what the Republican leadership brought to floor in the form and guise of the Commerce, Justice, State Appropriations. As Ranking Member of the Subcommittee on Immigration and Claims, I am mostly concerned about the Latino Immigration Fairness Act. (LIFA) The phrase ''compassionate conservatism'', has very hollow meaning, if you just talk the talk and not walk the walk. This LIFA proposal is the modern day civil rights issue of our time, and just 12 days to election day, the Republicans are thumbing their noses at immigrants who have contributed to our society and are trying to play by the rules. I say no deal to this proposal, and I urged a ''no'' vote.

This involves amnesty for immigrants who have paid their dues and have been in this country since 1986, parity for Liberians, Guatemalans, Haitians, and Hondurans, and restoring Section 245(i), which allows immigrants to adjust their illegal status, pay a fee, and remain in this country with their spouses and children. These are reasonable proposals, and the Republican leadership has a blind eye for fairness—for justice—and for equity.

The Republican proposal to provide relief to only 400,000 immigrants who were unable to take advantage of the 1986 law for those entering the country before 1982 is unacceptable. It is unacceptable because it leaves and locks to many people out. This is a proposal that is thinly veiled as an open door, but it really is a feeble attempt to play up to the Hispanic vote during the political season.

The Republican legislation is a piecemeal correction of the flawed implementation of the 1986 legalization program. Basically, those individuals who sought the counsel of a specific lawyer and filed suit with him are protected, while countless others are left out. Of those people who are covered in the flawed proposal, less than 40 percent are expected to prevail. If the GOP acknowledges that the 1986 law was not implemented correctly, they should try to right the wrong entirely, not pick some winners and losers based on what law firm they signed up to represent them.

Also, it is important to understand that this ''amnesty program'' in fact is just a long overdue update in the registry provision of the Immigration and Nationality Act. The registry provision gives immigrants who have been here without proper documents an opportunity to adjust to permanent status if they have been here for a long enough time and have nothing in their background that would disqualify them from immigrant status. The legislation would just update the cutoff date for registry which is now set at 1972.

Then there is Juan Gonzalez who has been working for a construction company in Houston, Texas for more than 13 years. Recently he lost his job because he was not able to present his employer a renewed Employment Authorization. Since then his family is living a nightmare. Juan and his wife Luisa are having problems and close to a divorce. They lost their home and rented a 2-bedroom apartment. Unfortunately, their children are paying the consequences.

We also need to remain every vigilant on NACARA parity. This would address an injustice in the provisions of the Nicaraguan Adjustment and Central American Relief Act of 1997 (''NACARA''). NACARA currently provides qualified Cubans and Nicaraguans an opportunity to become lawful permanent residents of the United States. The proposed legislation would extend the same benefits to eligible nationals of Guatemala, El Salvador, Honduras, and Haiti. The Bill that the Republicans have brought to the floor has completely left NACARA parity out. I say no deal, and a ''no'' vote.

Like Nicaraguans and Cubans, many Salvadorans, Guatemalans, Hondurans, and Haitians fled human rights abuses or unstable political and economic conditions in the 1980s and 1990s. The United States has a strong foreign policy interest in providing the same treatment to these similarly situated people. In addition, returning migrants to these countries would place significant demands on their fragile economic and political systems.

Like Senator JACK REED, I have worked very hard to ensure that the 10,000 Liberian nationals who have been living in the United States since the mid-1980's and have significantly contributed to the American economy are not deported. This legislation should also include these Liberian nationals.

If the Latino Immigrant Fairness Act is not enacted, hundreds of thousands of people will be forced to abandon their homes, will have to separate from their families, move out of their communities, be removed from their jobs, and return to countries where they no longer have ties.

The inclusion of the Latino Immigrant Fairness provisions would evidence our commitment to fair and even-handed treatment of nationals from these countries and to the strengthening of democracy and economic stability among important neighbors.

The Republican proposal creates a ''V'' visa for people waiting in the family backlogs, but not all, including U.S. citizens. This counterproposal treats the family members of some legal permanent residents better than U.S. citizens. The GOP proposal leaves out U.S. citizens applying for their children over the age of 21. Ironically, the GOP fails to help even United States citizens seeking to reunite with their spouses and children if the spouse or the child fell out of status for six months or more. In contrast, the Latino Immigrant Fairness Act 245(i) proposal would cover all people in the pipeline to becoming legal equally. I say no deal and a ''no'' vote.

The Republicans are failing to correct their flawed legislation of 1997 and 1998. It was the Republicans who passed piecemeal programs in 1997 and 1998 for some refugees. These flaws failed to correct years of uneven treatment to legitimate refugees from Central America, Haiti, and does nothing for Liberian nationals. It is baffling why today the Republicans are now turning their backs on the LIFA proposal for long time refugees, that have been in the United States for years, worked hard and paid their taxes when a few short years ago they advanced these same proposals.

There is no compassion here, Mr. Speaker. Congress should stop trying to trade some deserving immigrant groups for others, and move to help all deserving immigrants willing to play by the rules, pay taxes, and work hard in the United States.

Mr. Speaker, I am also outraged that this House has brought forth the important Commerce-Justice-State Conference Report to be voted on; yet the Republican leadership has not felt the need or importance to include language to address the dreadful acts of hate crimes.

This move by the Republican leadership is a slap in the face to the many people here in the United States who have historically been subjected to hateful acts resulting in death, bodily harm, as well as mental and physical anguish, only due to a person's race, ethnicity, gender, age or sexual orientation.

How can we as elected representatives for the American people ignore our duty to ensure that all people are treated equally? How can we ignore our moral oath to protect people from hateful acts that arise because of a person's race, ethnicity, gender, age or sexual orientation? How can we allow hateful skeleton's of this country's past to be revived and allowed to infect our society today. Mr. Speaker, this chamber's silence on the need for hate crimes legislation would do just that, and the absence of hate crimes language in the CJS Conference Report sends the message that this country's stance on crimes of hate is not a top priority.

This issue is very dear to me and I am ashamed that after two years from the date of James Byrd Junior's vicious murder on a paved road in my home state of Texas, that a Bipartisan Hate Crimes Prevention Act has not become law.

Time and time again, I have come to the floor and asked the Republican leadership to support meaningful hate crimes legislation. I have introduced my own hate crimes legislation and have supported legislation and resolutions introduced by my colleagues in both the House and the Senate. Yet, I find myself coming before the American people once again to compel the Republican leadership to include hate crimes language in the CJS Conference Report in order to increase penalties on perpetrators of hate crimes before the 106th Congress comes to a close.

Mr. Speaker, the same tactics that have been used in the Texas State Legislature to run out the time in the legislative session to defeat the passage of hate crimes legislation have been used here in the United States Congress as well. When the James Byrd, Jr. Hate Crimes Act was introduced in my home state of Texas in January of 1999, it was hastily defeated in the state Senate. And when state Democrats attempted to negotiate with Republicans in the state Senate and the Governor's administration to get a bipartisan hate crimes bill passed, political games were played to extend the process until the end of the state legislative session.

As I have stated, this political ploy was not only used in my home state of Texas, but it has been used here in both chambers of the United States Congress as well. We have attempted to negotiate with members of the Republican party to get hate crimes legislation passed within the 106th Congress, however, political games and wizardry have been used to delay the process until the congressional session comes to an end.

I therefore, call on the Republican leadership, with the American People as my witnesses, to once again ask for the passage of hate crimes legislation to address senseless killings and crimes of hate and to make a statement that the United States will no longer tolerate these Acts.

Since James Byrd Junior's death our nation has experienced an alarming increase in hate violence directed at men, women, and even children of all races, creeds and colors.

Ronald Taylor traveled to the eastside of Pittsburgh, in what has been characterized, as an act of hate violence to kill three and wound two in a fast food restaurant. Eight weeks later, in Pittsburgh Richard Baumhammers, armed with a .357-caliber pistol, traveled 20 miles across the West Side of Pittsburgh where he killed five people. His shooting victims included a Jewish woman, an Indian, ''Vietnamese,'' Chinese and several black men.

The decade of the 1990's saw an unprecedented rise in the number of hate groups preaching violence and intolerance, with more than 50,000 hate crimes reported during the years 1991 through 1997. The summer of 1999 was dubbed ''the summer of hate'' as each month brought forth another appalling incident, commencing with a three-day shooting spree aimed at minorities in the Midwest and culminating with an attack on mere children in California. From 1995 through 1999, there has been 206 different arson or bomb attacks on churches and synagogues throughout the United States—an average of one house of worship attacked every week.

Like the rest of the nation, some in Congress have been tempted to dismiss these atrocities as the anomalous acts of lunatics, but news accounts of this homicidal fringe are merely the tip of the iceberg. The beliefs they act on are held by a far larger, though less visible, segment of our society. These atrocities illustrate the need for continued vigilance and the passage of the Hate Crimes Prevention Act.

It is long past the time for Congress to pass a comprehensive law banning such atrocities. It is a federal crime to hijack an automobile or to possess cocaine, and it ought to be a federal crime to drag a man to death because of his race or to hang a person because of his or her sexual orientation. These are crimes that shock and shame our national conscience and they should be subject to federal law enforcement assistance and prosecution.

Therefore, I would urge my fellow members of the United States House, Congress and the American people to be counted among those who will stand for justice in this country for all Americans and nothing else.

We must address the problem of hate crimes before the 106th Congress convenes its legislation. I say no deal and no vote to this Conference Report until these issues are addressed.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

I urge my colleagues to support the previous question and the rule and let us get on with the debate on these important bills. It is getting late in the year. The appropriators have worked long and hard into the evening. We have an opportunity to close up one more of them this afternoon, and I urge us to do so.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic vote on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 214, nays 194, not voting 24, as follows:

[Roll No. 557]

YEAS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—24

Blagojevich
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Franks (NJ)
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Meek (FL)
Metcalf
Owens
Packard
Pallone
Peterson (PA)
Spratt
Stabenow
Stupak
Thompson (MS)
Waxman
Weldon (PA)

☐ 1426

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 192, not voting 28, as follows:

[Roll No. 558]

AYES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blumenauer
Bonior
Boswell
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—28

Bishop
Blagojevich
Borski
Brady (PA)
Campbell
Chenoweth-Hage
Cooksey
Crowley
Danner
Evans
Franks (NJ)
Horn
Klink
Larson
Lazio
Leach
McCollum
McIntosh
Meek (FL)
Metcalf
Owens
Packard
Peterson (PA)
Spratt
Stupak
Thompson (MS)
Waxman
Weldon (PA)

☐ 1434

Mr. FRANK of Massachusetts changed his vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 651 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 651

Resolved, That it shall be in order at any time on the legislative day of Thursday, October 26, 2000, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) the bill (H.R. 2498) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in

Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices;

(2) the resolution (H. Res. 650) expressing the sense of the House with respect to the release of findings and recommendations by the Federal Energy Regulatory Commission regarding the electricity crisis in California;

(3) the bill (H.R. 1550) to authorized appropriations for the United States Fire Administration for fiscal years 2000 and 20001, and for other purposes;

(4) the bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis;

(5) the bill (S. 2712) to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes;

(6) the bill (H.R. 5309) to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office Building'';

(7) the bill (S. 3194) to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office'''

(8) the bill (H.R. 4399) to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy'' Kennedy Post Office Building'';

(9) the bill (H.R. 4400) to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office Building'';

(10) the bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; and

(11) the bill (H.R. 5314) to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. REYNOLDS. Mr. Speaker, earlier today the Committee on Rules met and passed this resolution, providing it shall be in order at any time on the legislative day of Thursday, October 26, for the Speaker to entertain motions to suspend the rules and pass or adopt the following 11 measures:

H.R. 2498, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising out of the emergency use of these devices;

the resolution H. Res. 650, expressing the sense of the House with respect to the release of findings and recommendations by the Federal Energy Regulatory Commission regarding the electricity crisis in California; the bill H.R. 1550, to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes;

the bill S. 2943, to authorize additional assistance for international malaria control and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV and tuberculosis;

the bill S. 2712, to amend chapter 35 of title 21, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes;

the bill H.R. 5309, to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office Building'';

the bill S. 3194, to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office'';

the bill H.R. 4399, to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office Building'';

the bill H.R. 4400, to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office Building'';

the bill H.R. 5528, to authorize construction of the Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes;

and finally, the bill H.R. 5314, to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable for caring for these dogs.

Mr. Speaker, as we are all aware, we are nearing the end of the congressional session and floor time is at a premium. This resolution allows us to consider several bills today under the expedited suspension procedure. Additionally, the majority of these bills are completely noncontroversial and none come as a surprise.

In addition, this resolution is within the spirit of House rules. Under clause 1 of rule XV of the rules of the House, the Speaker may only entertain motions to suspend the rules on Monday and Tuesdays and during the last 6 days of session.

□ 1445

The House has not yet passed an adjournment resolution, but I think all of us hope and expect that we are in the last 6 days of this session. This resolution simply abides by the spirit of the standing Rules of the House. I strongly support this rule, and I urge my colleagues to do the same. With this resolution, we will consider the underlying 11 bills before we adjourn for the year.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time. As the gentleman has explained, this rule will permit the suspension of the rules for the consideration of 11 bills during today's session.

Mr. Speaker, this rule really should not be necessary. Under rule XV of the House Rules, suspensions may be brought up during the last 6 days of a congressional session. The problem is, we do not know if we are in the last 6 days of the session. If Congress were to adjourn at the end of the week, we could consider these and any other suspensions today. Since we have no idea when Congress will finally conclude its business and adjourn, the only way to take up the suspension bills today is to pass this rule.

What is particularly troubling about the rule is that this work should have been done weeks ago. There is no good reason why these bills could not have been handled already, especially when the House has had so little floor business in the last month. I cannot support the rule, and I will ask for a ''no'' vote.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 221, nays 190, not voting 22, as follows:

[Roll No. 559]

YEAS—221

Aderholt	Barr	Bilbray
Archer	Barrett (NE)	Bilirakis
Armey	Bartlett	Blunt
Bachus	Barton	Boehlert
Baker	Bass	Boehner
Ballenger	Bereuter	Bonilla
Barcia	Biggert	Bono

Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Miller, George
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—22

Blagojevich
Bliley
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Franks (NJ)
Klink
Lazio
McCollum
McIntosh
Metcalf
Owens
Packard
Peterson (PA)
Spratt
Stabenow
Stupak
Thompson (MS)
Waters
Waxman

□ 1535

Mr. DELAHUNT and Mr. HALL of Texas changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2615, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

Mr. TALENT. Mr. Speaker, pursuant to House Resolution 652, I call up the conference report on the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to House Resolution 652, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of legislatiave day of October 25, 2000, Part 2.)

The SPEAKER pro tempore. The gentleman from Missouri (Mr. TALENT) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, a few weeks ago I had a call from the leadership staff asking if I had a problem with using this legislation as a vehicle for passing a number of things that I understood we had substantial bipartisan support for in the House.

I said no. I thought if it would facilitate the passage of legislation that meant really good things for a whole lot of American people that we ought to try to do it. And we have a conference report and on the surface of it it has a lot of things that I think a lot of people in this House like.

It has a minimum wage increase. It has small business tax relief, which I can testify has very strong support in the House and is very necessary in the small business community. It has the repeal of provisions which have prevented installment sales of businesses. It has an increase in the meals deduction, an increase in the deductibility of health insurance premiums for the self-employed. It has the Portman-Cardin pension reforms. It has Medicare givebacks. And most important for my perspective, Mr. Speaker, it has the community renewal new markets bill, which we had a press conference with the White House several months ago and all of us agreed, Republicans, Democrats, the President, the leadership of the House said it was the most significant anti-poverty legislation to pass this body in a generation.

I thought when I had a chance to handle this bill, and I flew back today to do it, that it would be a time of joy and a time of shared celebration.

I understand that the President has serious objections and may well veto this bill, and my heart is sad at that because it just seems to me there is so much good in here for the American people that we all ought to support it. I would hope he would find a way to sign it; and if we have some problems, work that out in some other format or some other way because I am just concerned if we do not do it now, we will not have a chance to do these things for the American people.

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

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman says that if there are differences in the bill that he seriously hopes that we could work it out. That makes a lot of sense, and that is why probably he is not a part of the Republican leadership.

The reason we have a veto here is because somebody on the other side of this aisle decided that they did not want to work out anything.

How do they think we are going to get out of here unless they talk to somebody? They do not have to talk to me, but they can talk to the gentleman from Missouri (Mr. GEPHARDT). They can talk to someone in the White House. They do not even talk to themselves. And now they come here and force the President to say that he is going to veto it merely because they have not discussed anything.

There are some good things in this bill. There are things that can be worked out in this bill. I have worked

with the gentlewoman from Connecticut (Mrs. JOHNSON) on the school construction thing. We did not always agree on everything, but we sat and we worked until we made certain that we got it out.

Now what is happening? With all due respect to the Committee on Small Business, we have a major tax initiative coming to the floor on a vehicle.

Well, I respect the integrity and the reputation of the Committee on Ways and Means. And whether we are Republican or Democrat, liberal or conservative, this is not the way to run a railroad.

It is wrong to bring out a tax bill in the middle of the night. It is wrong not to consult with the President. And it is wrong not to consult with our colleagues who are trying to work this out.

So if they need a veto to get their attention, if they need a veto in order to come and sit down and do this thing right, if they need a veto so we can wrap up our business and get home, well, my brothers and sisters have got it.

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

Mr. TALENT. Mr. Speaker, I yield myself 30 seconds to say to the gentleman, and he knows how much I respect him and how I have worked with him on these anti-poverty provisions, and I am certain that there are hurt feelings on both sides. I just would hope that we could somehow overcome this and get these important things done that real people and, in particular, vulnerable people depend on.

I am just convinced that, if a veto comes down, we are not going to have another chance; and we will have blown this up on what the people will see as an inside internecine kind of squabble.

Mr. TALENT. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this is one of the more difficult moments that I have faced in my tenure over 30 years in the House of Representatives. As chairman of the Committee on Ways and Means, I believe I have a very special role; and that is to be steward of a tax code, to try to keep it as equitable as possible, to try to see that in spite of the difficulties of earning income tax that it is as simple as possible, and to attempt to see that it has not become a vehicle for spending.

There is much good in this bill. I know because I helped to write it. I do not need to repeat all of it to Members because they have examined all of the good that is in this bill.

Unfortunately, it is included with an increase in the minimum wage, which I have never voted for and which I believe is counterproductive to the very people that it seeks to help. I cannot break with my principles on that, and on that alone I would vote against this bill.

Now, in spite of all the very good provisions that are in this bill, bipartisan, voted overwhelmingly on the floor of the House, I am severely troubled by items that were added at the last minute under pressure from the White House and pressure from the Senate. They will be a springboard to turn future tax bills into spending vehicles uncontrolled by the budget; uncontrolled by the limitation that would be on appropriations bills; and, in all likelihood, not adequately debated for what they are.

One of those is the provision that would subsidize Amtrak by tax credits with the authorization of $10 billion in bonds and the interest being offset by a dollar-for-dollar tax credit, which would also permit the interest to be separated from the principal, coupled with the tax credit and traded on the stock market.

□ 1545

That is deja vu of what we went through in the 1980s which grew so pernicious that it brought on the 1986 tax reform bill to remove it from the code. But what we seem to learn from history is we never seem to learn from history, so here we go again.

Is it big relatively, this bill? No, it is relatively small. But it creates a precedent for the future that Congress needs to know about. I have fought tax credits. I have kept six or eight of them from going into this bill, because I do not want the tax code to be turned into a spending vehicle administered by the IRS. That is a great danger ultimately to the future of our tax code, and then in addition a similar provision to have the Federal Government subsidize the construction of local schools through once again having interest offset by tax credits. I believe that we must stop this. We must prevent it from occurring.

But the minimum wage clearly shuts out my capability to vote for what for the most part is superb tax policy, to help people get more health care, to help small businesses, to help pension, to help retirement security, all things that this Nation should try to get. And also I have worked so hard on a bipartisan basis with my friend, the gentleman from New York (Mr. RANGEL), and with the Treasury to find an answer to the FSC problem which if we do not solve it could unleash an unholy trade war where everyone would suffer. I do not know what will happen to this bill. But if we do not do but one thing, we must come back and pass the FSC provisions. The danger in failing to do so is too great.

I wish I could vote for this bill. If the tax provisions that we crafted and put together as the basis of this bill were submitted by themselves to this House, I would enthusiastically support them. Each Member must make his own decision. My special position as chairman of the Committee on Ways and Means does not permit me to vote for this bill in its current form.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the gentlewoman from New York (Ms. VELAZQUEZ), the ranking member of the Committee on Small Business.

The SPEAKER pro tempore (Mr. HANSEN). Without objection, the gentlewoman from New York will control the time on her side of the aisle.

There was no objection.

Ms. VELAZQUEZ. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I rise in strong opposition to the conference agreement for H.R. 2614. Last August when the House passed H.R. 2614, we took the first step in strengthening a program that would provide countless businesses across this country the access to the capital they so desperately need to succeed.

Fourteen months later, instead of a bill that offers opportunity, we now have a bill full of misguided priorities. At a time when this Nation is experiencing an affordable health care crisis, this conference report meets this growing deficiency by increasing payments to already wealthy HMOs at the expense of our hospitals and rural communities.

This legislation will also shortchange our children by once again failing to address the need for school construction. In every community across this country, there are kids who are being taught reading, writing, science and math in trailers, makeshift classrooms, and in hallways within neglected school buildings. I am astounded that in today's world when it is hard enough to help our at-risk kids to keep pace, forcing them to learn in Third World conditions is simply disgraceful.

What distresses me the most, this Congress has passed despite, all their lofty promises, only half of what the President asked for in his budget request. It is unfortunate that this bill faces a veto from the President because, to be perfectly frank, there is much in here that will help our communities by funding valuable small business programs, including enacting the new markets community renewal programs.

I would like to thank the gentleman from Missouri (Mr. TALENT) for all he has done to bring valuable investment into our Nation's low-income communities. His leadership has helped provide small businesses and entrepreneurs a stronger foundation which will help them grow and prosper. But one issue is clear. The sum of legislation outweighs the good this bill could do for so many in this country.

This is not how we should be ending this Congress. We are leaving at a time when there is so much more that can and should be done. Unfortunately, the 106th Congress is ending with far too many promises made and far too few promises kept.

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

Mr. TALENT. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. I thank the gentleman from Missouri for yielding me this time.

Mr. Speaker, in this body from time to time there comes a time when we bring ideas together and people together to get good things done. We have to work in the House, and they have to work in the Senate and you have got a White House on the other end of Pennsylvania Avenue that all have input. This piece of legislation is a piece of legislation that both bodies, and the White House, had some input in putting together.

We have talked about the minimum wage, and we have talked about it far too long; and we have not done anything about it. This is a minimum wage for American working people. It is over 2 years. It is something that I have heard required and requested on this side of the aisle for a long, long time. It is reality in this legislation. It is also reality in this legislation that small businesses, and in my district 75 percent of the jobs are provided by small businesses, we give them the ability to stay in business and provide those jobs in this legislation.

We talk about the waitress at the coffee shop who works maybe a job or a job and a half and tries to keep her kids in school and shoes on their feet and tries to keep a good life. She cannot afford and her job does not provide health care. But when she goes to buy that health care, she does not get the same tax deduction that an executive or somebody working in a big plant would get that benefit.

This bill gives American working people who have to go out and buy their health care week in and week out, year in and year out that same tax benefit that anybody else that gets it through a corporate entity would get.

My father died 2 years ago. We kept him in our home because he did not want to live in a nursing home. We gave him health care and took care of him. It did not make any difference to me whether it was a tax credit or not, but there are a lot of people that cannot afford to do that. But if you can keep a parent in your home because that is where they want to live, among their family, that families can get a tax deduction of $10,000, if you want to take care of your folks. And it is in this bill. It is good for all families in this country, whether you are middle class, whether you are at great risk or if you are upper class. That is what, if you choose to do it, you ought to have the ability to do it and you ought to have that tax deductibility for it.

This bill also has something that the President wanted, and the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Missouri (Mr. TALENT) and the gentleman from Illinois (Mr. DAVIS) over on this side of the aisle worked on, was the community renewal, new markets, so it would invest in people's homes, invest in communities, in inner cities and rural areas so that those people could have a better life, that they could have shopping where they live, they could have jobs where they live, that they could fix their homes up, that they can pull themselves up by their own bootstraps and there is help to do it. This bill has that in it.

I guess I could go on and on. This bill certainly is not perfect. We do not think some of the things that they do on the other side of the Rotunda is always perfect and I guess they may have the same attitude about us. But we have to work on a bicameral basis, and we have to accept what bodies put in this.

I am telling you, this is the right bill for this time. We need to move forward. We need to take care of families. We need to take care of senior citizens. We need to take care of people that want to buy their own health care, and we need to take care of our communities that are in the greatest need. Even though this is a great political time, and the politics are at crescendo levels, it is time for this body to quit the quibbling, to come together, and pass good legislation. I would ask Members to join us on both sides of the aisle to do it. Please support this bill.

Ms. VELAZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, the power that the managed care industry wields over the leadership of this Congress is absolutely astounding. How else do you explain our inability, 4 years after legislation first took shape, to pass a Patients' Bill of Rights? How else do you explain this $30 billion Republican gift to the managed care industry as we short shrift hospitals and home health agencies and every other Medicare provider? How else do you explain Republicans giving almost half, 47 percent, of new Medicare money to an industry which has shortchanged millions of senior citizens?

If this Republican Congress is not selling out to the insurance industry, how do you explain this remarkably skewed Medicare funding bill? The Republican majority took bipartisan legislation and proceeded to strip out additional funding for public hospitals, to strip out funding for low-income seniors, to strip out provisions for rural health facilities. But they left in plenty of money for HMOs.

Mr. Speaker, HMOs serve between 15 and 16 percent of the Medicare population, but under this bill they will get close to 50 percent of available funding. Let me repeat that. HMOs serve one-sixth of Medicare beneficiaries. The Republican bill will give them 50 percent of the funding. To strike this remarkable imbalance, the Republican majority eliminated funding measures that would help public hospitals, that would help home health agencies, that would help other providers so they remain available to Medicare beneficiaries.

Where does the welfare of Medicare beneficiaries fit into this equation? The answer is it simply does not. Seniors in Lorain County, Ohio, where I live, were dropped unceremoniously from United Health's plan on December 31, 1998. Some of them joined QualChoice. They were then dropped unceremoniously December 31, 1999.

Mr. Speaker, I urge every Member of Congress to oppose this fatally flawed bill. It is unfair to Medicare beneficiaries.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, this conference report underscores the importance of working together, Democrats and Republicans, to get things done. I listened to the distinguished Speaker. There are some good things in this bill where we worked together. The problem is that the Republican leadership has used the fatally flawed partisan process in order to bring this bill to the floor. When you only work with half the Members, half the Nation is left out on the bill that is before us.

The problem is, there is too much that is not in this bill or is wrong in this bill. It is inadequate on school construction. We could do a lot better on that. You spend too much money on health insurance breaks for those who already have health insurance and not enough on those who do not have health insurance. We can do better than that. You have left out the vaccine research credit which is so important to the health of our Nation. And you have left out the Lou Gehrig's disease, modernizing it so people who suffer from that disease can qualify for Medicare benefits.

□ 1600

We go on and on and on. If you would have brought the Democrats into the process, we could have a bill we all could be proud of and support. Unfortunately, we should follow the President's advice. He is going to veto it.

I urge my colleagues to vote against the conference report.

Mr. TALENT. Mr. Speaker, I yield myself 15 seconds to say that my understanding is that major provider associations, including the hospitals and the home health agencies, support this bill. It is not surprising, considering it adds $28 billion back into Medicare.

Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, there are a lot of good things in this package, many of which were, in fact, put together with bipartisan work and support. I was in on a lot of the meetings on the Medicare provisions with Democrats talking about how to best put this together. I was in on some meetings with some Democrats on some tax provisions.

One of the largest sections of the tax bill that is included in this bill was put together by the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), the last speaker, working together, bipartisan. So, please, do not try to make it look like this is something that is one-sided, put together only by Republicans. It is not.

Let me just say something about the Medicare+Choice. First of all, it is not half of the spending in this bill, it is about 25 percent of the spending in this bill. With the interactions it gets up close to one-third. But if you go back, Republican or Democrat, look at your mail, what do your seniors want? They want the Medicare HMOs to give them prescription drugs, to give them choices. It is no surprise we put money into that program to help them out.

Ms. VELAZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, as we consider the Lott-Hastert grab bag bill today, I appreciated the fact that the Speaker came on to the floor, because he is the only person who could possibly have any idea what is in this.

Now, what we hear is people saying, well, there is this thing that one committee did, and there is that thing that one committee did, and there is this thing that another did, and everybody should vote for it, because one of those things might be in here. But there is nobody here who has the least idea what is in this.

They put five bills in yesterday, the conference report says the minimum wage bill, taxpayer relief bill, the Medicaid-Medicare and ship benefit improvement bill, the pain relief bill and the small business bill. They dropped them in yesterday, rolled them together, tied them with a knot and brought them out here and said, vote for them; we have got to go home.

Now, the public policy that is produced by this stuff is what happened in the BBA bill in 1997. The reason we are out here fixing the program of Medicare again is because you did that bill the same way.

This bill has the bill that is going to destroy our overseas trade if we do not get it right. But the chairman of the committee, the gentleman from Texas (Mr. ARCHER), who I do not always agree with, but I agree with him on the process, there should have been Committee on Ways and Means people in that conference committee looking at what got rolled into this 960 page pile of legislation.

Now, if you take any one of these issues, the fact you cannot find anything in all this money to do anything about prescription medications, but you can find some money to help the drug companies push the Justice Department away from fixing price problems that they have got and discovered in the law, is, in my view, silly and unfair to the American people.

I urge my colleagues to vote against it. The President will veto it. We will have a bill.

Mr. TALENT. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, the average woman spends 11 years out of the workforce to raise children, and it is often very tough for her to accumulate enough retirement savings to make a difference. We believe this is unfair.

I will tell you what is in this bill. This bill allows women over the age of 50 to contribute up to 50 percent more to their retirement plan in order to make up for those years out of the workforce. This will make it possible for a working mother to build a nurturing relationship with her child and achieve financial independence in retirement.

Part of financial security in retirement means having health care that is affordable and dependable. Unfortunately, the funding for Medicare+Choice has made it tough to offer coverage in certain regions of the country.

In my State, nearly 30,000 seniors were sent letters by their health plans alerting them to the fact that insufficient reimbursements for Medicare+Choice is forcing them out of the State. The President is not helping our seniors by attacking managed care plans. In Washington State, tens of thousands of seniors enjoy the benefits of their health care plans and are worried about losing this option. We help in this bill.

I urge my colleagues to boost retirement savings for women and protect health care choices for seniors.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong opposition to H.R. 2614. This legislation is a wolf in sheep's clothing.

For example, by not including the Rangel-Johnson school construction tax credit provisions, this bill fails to leverage $24.8 billion in financing for school construction and renovation. Studies have shown that school construction costs over the next 10 years will total upwards of $125 billion. The Federal Government currently funds local transportation projects, local airport projects, as well as prisons and local economic development projects. Why, why is it suddenly unreasonable to assist our schools with this most important project, ensuring a safe learning environment for our children?

We can do better than this. I urge my colleagues to vote no on H.R. 2614.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I had hoped that I would have been able to vote on a number of the provisions in this bill in a clean way: Minimum wage, obviously needed; new market initiatives, obviously needed. As a matter of fact, there are many good features to this bill.

But, unfortunately, it is like a wagon that has been overloaded. When you try and put too much on it at one time, it gets stuck in the mud. I am afraid that this bill, unfortunately, is stuck in the mud. It has got a lot of good things in it, and, as we approach Halloween, it seems to me that we have got a lot of good items, but we have got too many tricks and not enough treats.

I hope we can come back with some clean bills that we could vote on that would be in the best interests of the American people, and I would urge my colleagues to vote no on this bill.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

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

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am particularly proud of and want to talk about several provisions that are in this bill. One would improve Medicare benefits to fight breast cancer and cervical cancer. My digital mammography provision gives women access to brand new breast cancer screening technology. The pap test provision makes tests more frequent so that cervical cancer can be found early and treated successfully.

Mr. Speaker, it is extremely important to focus on the education provisions of this bill. I know firsthand that we face a public school construction crisis. My congressional district runs through three of the fastest growing school districts in the country. In Palm Beach County, the student population has more than doubled just since 1985. Broward County, the fifth largest school district in the country, has 240,000 students and 210 schools. Miami-Dade County is the fourth largest school district, with over 350,000 students. It averages an increase of 10,000 new students each and every year.

I am particularly excited about the portion of this legislation that incorporates my legislation which I have sponsored, along with Florida Senator BOB GRAHAM, the Public School Construction Partnership. These provisions empower local districts to use innovative, cost-effective ways to finance new schools and repair aging ones.

Miami Beach Senior High is a prime example of a public school that should benefit from this legislation. Its aging facilities diminish the education opportunities for the 3,000 students and teachers who occupy the premises. Many of these are the same buildings that were there when I was in high school.

In order to encourage private sector participation and avoid debt capacity problems for localities, this legislation would permit tax exempt private activity bonds for investors willing to join public-private partnerships to construct new public schools or renovate existing ones. The partnerships would use the bonds to borrow funds for construction and ownership of the school facilities. The facilities would then be leased to the public school systems,

who would operate the facilities with their own teachers and principals. At the end of the lease term, the facilities would be transferred back to the school system without additional cost.

A greater use of public-private partnerships would allow states and local communities to accelerate school construction projects at significant savings by giving private sector incentives to help meet new construction and renovation needs.

Rather federalizing public school construction, these less costly provisions will allow local school districts to decide what is best for their students.´

Ms. VELAZQUEZ. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this tax bill is a true Halloween witch's brew; a heavy dose of money for big, unaccountable HMOs that rely on the bean counters to interfere in the doctor-patient relationship, a tiny little pinch of relief for taxpayers, together with the flavoring of a little eye of old Newt's threatening government shutdown for good measure.

You can comb through all the pages of this bill, and one thing you will not find is one cent of marriage penalty tax relief. You can comb through these pages and you will not find one cent of estate tax relief for small family businesses and farms.

This last minute conglomeration is devoid of meaningful relief for ordinary American families. But this partisan measure showers benefits on the healthy and the wealthy. It gives billions to the same HMOs that have a stranglehold on this Congress and are blocking a patients' bill of rights. They throw in $100 million every year to benefit the tobacco industry in its export of death and disease.

Mr. Speaker, no marriage penalty relief; not a cent for marriage penalty, but $24 billion in tax benefits are included to fund the two-martini lunch.

Mr. Speaker, here is a bill that even the chairman of the Committee on Ways and Means, the Republican chair, is going to vote against. What better symbol of a Republican Congress that can best be called failure, flop, and fiasco.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I find it unfortunate that we are having the type of debate here on the floor today that we are, because the fact is that 96 percent of the words in the bill that we are considering have already been voted on in the House and been passed overwhelmingly in a bipartisan way, and for the gentleman from Texas to refer to the fact that there is no marriage penalty relief in here, nor any estate tax relief in here, is the height of hypocrisy, given the fact that the President of the United States decided to veto both of those bills.

But, Mr. Speaker, I rise today in support of this conference report, and especially the inclusion of the Retirement Savings and Pension Coverage Act, based extensively on a bipartisan package of reforms developed by my friend, the gentleman from Ohio (Mr. PORTMAN), and my colleague from the other side of the aisle, the gentleman from Maryland (Mr. CARDIN).

I think this is practical common sense legislation that will lead to a safer, more secure and more prosperous retirement for millions of American working men and women.

ERISA is the source of our Nation's pension laws, and it was passed 25 years ago when the American economy was dominated by large corporations and most Americans relied on pensions from those corporations for their retirement. Well, today we are a Nation of small employers and individual investors. Nearly one out of every two American families has invested in the stock market, more than three times the percentage 25 years ago.

□ 1615

This bill today helps workers maximize their retirement opportunities by expanding small business retirement plans, allowing workers to save and invest more, and cutting the red tape that has hamstrung employers who want to establish pension plans for their employees.

The basis for these pension reforms in this conference report is H.R. 1102. It was reported out of the Committee on Education and the Workforce on July 14, 1999, on a bipartisan voice vote; and we believe on a bipartisan basis this is a very good bill. I urge my colleagues to support it.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, this debate is baffling. The Speaker has come here and said we need to be brought together, but he chooses a course that divides us. There is a lot of talk by Republicans, including Mr. Bush, about bipartisan, but this action is strictly partisan.

What went into this bill and what was left out was decided completely within Republican ranks and its inner sanctum. Tell me of your meetings with the President to decide on this package. Tell me of your meetings with the minority leadership in the House or the Senate. There were not any. Instead, we have decisions made inner sanctum and very much with special interests in mind.

Mr. Speaker, 187 pages of this Medicare and Medicaid bill never went through committee, was never voted on the House floor. So here we go again, forcing a presidential veto. There will be another chance to act on the BBA after the President forces us into the right course.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to the bill and the way it has been brought to this floor. I want specifically to talk about protecting the privacy of American people.

Last night, under the cloak of darkness, the Republican leadership added to this bill an amendment that would have allowed confidential Census information to go to the CBO, the Congressional Budget Office.

Let me tell my colleagues that this past year in every State and community, this poster was up, assuring the American people of their privacy: No INS. No FBI. No CIA. No IRS. We should add no Republican majority.

The Secretary of Commerce, Secretary Mineta, has a very strong objection. Mr. Speaker, I will place his objection and veto threat in the RECORD.

Mr. Speaker, I recently just spoke to Mr. Crippen, the head of CBO, who tells me that after seeing the Secretary's objection, he has decided to proceed with attempting to get the provision he wants out. He says he will remove it.

Since Mr. Crippen is not a Member of Congress, I would hope that someone in the Republican leadership could assure me that what he is saying is correct and that my colleagues will not add this provision to any other vehicle going through Congress that is a violation of the privacy rights of the American people.

Mr. Speaker, I ask if there is any assurance from anyone in the Republican leadership.

THE SECRETARY OF COMMERCE,
Washington, DC, October 25, 2000.

DEAR MEMBER OF CONGRESS: As you may know, the Congressional Budget Office (CBO) is currently seeking legislative language which would amend Title 13, the Census Act, to allow CBO to acquire confidential information collected from the American people in several census surveys.

I am writing to express my strong opposition to any attempt to force the disclosure of personal census information currently protected by the confidentiality provisions of Title 13. If this proposal is adopted by the Congress, I will recommend a Presidential veto of the legislation.

The American people place a tremendous trust in the Census Bureau and the Department of Commerce when they provide us with the personal information collected by these surveys. They do so, in overwhelming numbers, because the Census Bureau and the Commerce Department have assured them that their privacy will be protected by the provisions of Title 13. The critical work of dozens of government agencies could not be accomplished without the public's voluntary cooperation with these surveys.

The change to census confidentiality contemplated by CBO has been developed behind closed doors, at the 11th hour of a legislative session, with no public hearings and no opportunity for public comment or congressional review.

The American people are already gravely concerned about the privacy of their personal information. The adoption of these changes with no public debate runs the very serious risk of undermining the public's confidence in the privacy act of census information. Should that happen, it should surprise none of us that the public's willingness to

cooperate with census surveys will rapidly decline.

As the CBO Director obliquely points out in his October 24, 2000 letter to Congress on this issue, there have been times in our history when census information has not been protected as it should have been. My personal knowledge of this incident is somewhat less than oblique. Director Crippen's reference is to the Census Bureau's assistance, at the beginning of World War II, for the War Department's efforts to locate Japanese Americans in the western United States and confine us to internment camps. My family and I were among the 120,000 Japanese Americans forced from our homes and interned.

I fail to see why this history should make the Commerce Department, or the Congress, less concerned about the confidentiality of census information.

Over the course of the 58 years since that incident, the Census Bureau and the Department of Commerce have built a relationship of trust with the American people, many of whom are profoundly distrustful of government. We have promised them that their privacy would be protected, and that personal information about them would be subjected to the most stringent controls. I do not believe we should alter that commitment, in law or in practice, without a full and open discussion.

As a former Member of Congress, and a former Member of the House Budget Committee, I take CBO's work very seriously. I have the highest respect for the professionalism and integrity of the men and women who make up that agency.

However, I must restate the strongest opposition of the Department of Commerce to any effort to alter the privacy protections currently provided by statute for personal census information without a full opportunity for careful congressional review and public comment.

Sincerely yours,

NORMAN Y. MINETA.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Missouri (Mr. TALENT) for yielding me the time.

Mr. Speaker, I heard just a couple of minutes ago that the marriage tax relief and death tax relief was not in this bill, and I would say to that give me a physical break.

The President of the United States vetoed both of those pieces of legislation that would bring about fairness for small business owners and allowed them to keep their business and not give it to the government and also allow married couples to get some relief and not penalize them for being married.

But be that it as it may, H.R. 2614, Mr. Speaker, is a good piece of legislation. It has Medicare adjustments for rural hospitals, for home health agencies. There is the pension reform that allows people to save more money for themselves for retirement; that is good for working people, for housewives.

My wife stays at home. She is a housewife. She can save more money. Brownfields relief, the American Community Renewal Act, in which the gentleman from Missouri (Mr. TALENT), myself, the gentleman from Illinois (Mr. DAVIS) have worked very hard on to target underserved communities, poor communities, rural communities for economic development, for homeownership, for opportunity in these underserved communities.

This has the black farmers piece of legislation. The USDA discriminated against black farmers, and these farmers got a settlement. There is an element of this legislation that says these farmers should not have to pay taxes on that settlement, because the USDA then would be benefiting from their injustice. I mean we can go on and on.

This is a good piece of legislation. I would encourage my colleagues not to turn our backs on the black farmers. Do not turn our back on these underserved communities. Do not turn our back on people that would love to save more money for themselves. Do not turn our back on these people.

Let us pass this legislation. I urge a strong yes vote for H.R. 2614.

Ms. VELAZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, this is a bad bill. It is going to be vetoed. It ought to be defeated. Today, we are voting on a conference report which provides significant relief only to a favored few health care providers from cuts enacted in the Balanced Budget Act of 1997.

The majority has turned its back on the bipartisan Committee on Commerce bill, choosing to strip out Democratic priorities and is rewarding its fat-cat industry friends instead.

This should come as no surprise, though, that the Republicans would choose to devote billions to the insurance companies and to the wealthy, leaving working Americans, disabled children, seniors and immigrants with little, if anything, at all.

The Republican leadership has spent all year fighting its Medicare prescription drug benefits, against the strong enforceable Patients' Bill of Rights, and against meaningful expansions of health care for working families.

Why should we expect any less at this hour? At every turn, the Republican leadership has blocked meaningful health care legislation; yet, now they are passing a bill that gives only massive tax cuts for the rich, without any financing for Medicare prescription drug coverage that seniors desperately need.

It gives billions of dollars for HMOs, more than one-third of the money, $30 billion over 10 years going to HMOs, with no guarantees that seniors will see increased access to plans or increased benefits.

It gives billions of dollars for tax deductions for health insurance that will erode existing employer coverage and will not reduce the number of uninsured.

The facts are clear. This is Republican pork, a rich reward to undeserving fat-cat friends at the expense of beneficiaries and vulnerable providers. No wonder this was done in the dead of night.

Democrats have fought, will continue to fight, for a balanced bill that fairly allocates money for beneficiaries, providers, and HMOs.

We believe in making sure that Medicare is always there for seniors and that in the absence of universal coverage, there is always a strong safety net that will provide high-quality health care to the uninsured and those of low income.

If this is not bad enough, not only has the Republican Congress failed to pass a real Patients' Bill of Rights, but they have also passed something else, what they are calling a Medicare Patients' Bill of Rights. It is as phony as a $3 bill and does not have any real protections that are needed.

I know the real Patients' Bill of Rights. I wrote it, along with my Republican colleagues, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Iowa (Mr. GANSKE) and others. It passed this House by an overwhelming bipartisan majority.

This is no Patients' Bill of Rights nor Medicare. In fact, the gentleman from Georgia (Mr. NORWOOD) and I wrote a letter to the Speaker urging him to delete it. This is a Republican provision which puts our seniors at risk and at the mercy of health plans.

Mr. Speaker, I urge my colleagues to vote no on this shameful piece of legislation, so that we can have either an opportunity to sit down in a bipartisan basis and craft a balanced bill before or after the veto that the President is assuredly going to give and that will reflect the important bipartisan priorities for seniors, low-income families and children and will serve the interests of this country.

Mr. TALENT. Mr. Speaker, I yield myself 1 minute for three points.

Number one, there is no Census language in the bill, so Members should know the gentlewoman from New York (Mrs. MALONEY) was incorrect in her statement.

Second, as much as I respect the gentleman from Michigan (Mr. DINGELL), I am not going to allow the bill to be slandered in that way. This bill contains provisions which will ensure health care for small business people that we have been fighting for on a bipartisan basis for years. It contains provisions which will ensure pensions for small business people and their employers that we have been fighting for. It includes the best piece of antipoverty legislation this Congress has passed in a generation.

Mr. Speaker, I stood next to the President of the United States at the White House and we talked about the importance of this. It means jobs and homeownership and community policing for poor people.

I will tell my colleagues, I am leaving here, Mr. Speaker, so maybe it does not matter to me and it does not matter to other people. I do not care who is

consulted. I do not care whether the protocols of the Committee on Ways and Means were respected.

This bill means real things to real vulnerable people, and we ought to pass it and the President ought to sign it.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I rise in opposition to this bill and to the reckless way the House is proceeding.

Mr. Speaker, this bill fails to give either high-growth or economically disadvantaged areas the help they need to stretch their school bond dollars and to undertake desperately needed school construction.

This bill provides needed increases in Medicare reimbursement, but it directs those reimbursements disproportionately to HMOs with no guarantees that they will pass along the savings or that they will stay in our communities. In the meantime, our hospitals are shortchanged, particularly teaching hospitals and hospitals serving large numbers of indigent patients. Funding for rural health care, home health care and hospice care also falls short.

The Republican leadership could not even find a way to shorten or eliminate the waiting period for Medicare eligibility for victims of Lou Gehrig's disease, despite the fact that 282 Members of this House have cosponsored a bill to do so.

Mr. Speaker, there are good things in this bill: a tax credit for adoptive parents, a minimum wage increase, an increase in IRA contribution limits, an accelerated deduction for small business health insuance costs. But to bury these beneficial initiatives in a measure that in so many respects falls short is reckless and irresponsible.

Mr. Speaker, with a week-and-a-half between today and the election, we have no time for reckless games. The responsible way to proceed on issues of this gravity—taxes, health care, school construction, small business—is for the Republican leaders of this Congress to negotiate in good faith with the minority and the president to reach a compromise that meets our country's needs. This should have been done weeks ago. Our best course now is to defeat this bill and to bring a new bill, adequate to the challenges before us, to the floor promptly.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

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

Mr. BILIRAKIS. Mr. Speaker, in 1997, Congress courageously acted to save Medicare from bankruptcy as a part of the Balanced Budget Act. However, the real-life effects of that law were far greater than expected or intended. The legislation before us today will restore $28 billion in essential health care funding for providers and the patients they serve.

It will also increase preventive health benefits for seniors, including screenings for glaucoma and colon cancer, medical nutrition therapy, and Pap smear screenings and pelvic exams. I was pleased to coauthor provisions of the original 1997 balanced budget law, which expanded Medicare coverage or preventive health services. By diagnosing conditions in a timely manner, we can improve the quality of life for beneficiaries and ultimately reduce the costs of treatment for many patients.

The President has threatened to veto this critical measure that does so much to help America's seniors. He has expressed concern regarding the amount of funding provided for Medicare+Choice plans. But most of us have heard from an overwhelming number of seniors in our districts who support the Medicare+Choice plans, and who want Congress to make sure that they are adequately funded.

This legislation does just that, and it spends approximately $6 billion for it, not $30 billion, not one-half of that, but 22 percent of the total of $28 billion.

Last month, Members of my Committee on Commerce worked on a bipartisan basis, passed unanimously, I would remind everyone, to assemble a package of relief for both providers and Medicare beneficiaries.

The measure before us incorporates many of those provisions to help beneficiaries, as well as hospitals, community health centers, skilled nursing facilities, academic health centers, home health providers, hospice providers, and Medicare+Choice plans to be sure to help save for seniors their option for a Medicare managed care plan.

I look forward, Mr. Speaker, to passing this important legislation today, and I urge the President to sign it into law.

Ms. VELAZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, from a transportation perspective, there are good reasons to oppose this bill, but the most significant is repeal of the 4.3 cent fuel tax for the railroads. That action goes against the spirit of the agreement worked out between rail labor and rail management on a railroad retirement benefit.

The parties agreed to divide up equally between management and labor the benefits of a payroll tax reduction.

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Our committee, the Committee on Transportation and Infrastructure and the Committee on Ways and Means crafted a bill, H.R. 4844, that reflected this agreement. Under the bill, the payroll taxes paid by railroads would be reduced $4 billion over 10 years. Railroad retirees and survivors would get roughly the same amount in improved benefits. It was a win for all parties.

During Committee on Ways and Means consideration of the bill, there was an amendment added to repeal the 4.3 cent fuel tax. That would have upset the balance of benefits agreed to by management and labor and would have unraveled the unified rail coalition. The Committee on Transportation and Infrastructure, on a bipartisan basis said, we would not bring the bill to the floor with this provision in it. The offending provisions was stripped prior to floor consideration, and the bipartisan railroad retirement reform legislation passed the House overwhelmingly by a vote of 391 to 25.

Now, we have the fuel tax repeal in here. That is a windfall benefit to the railroads with no commensurate benefit to rail workers and retirees. That is not fair. That is not right. That unravels the agreement that we put together, that labor and management voluntarily put together. We should not pass this legislation with that provision in. On this issue alone, the bill deserves to go down.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I know this is a political year, and I know that not everybody got everything in this legislation that they wanted in this legislation, but is that a reason to vote against the legislation?

Look at this bill. It expands health care coverage for all Americans; provides very important help for long-term care; increases the Medicare reimbursement to our hospitals, to our nursing homes, to our home health agencies $28 billion over 5 years and $75 billion over 10 years. It helps our schools to construct more schools. It provides computers to the classrooms, encourages adoption. It helps create jobs in our poorest inner cities and rural areas. It gives small businesses needed tax relief so that they can provide health care insurance, so that they can create more jobs. This is a good bill.

Let me focus on one provision that I am particularly proud of that this Congress passed by a vote of 401 to 25, only a few short months ago, totally bipartisan. The gentleman from Maryland (Mr. CARDIN) and I worked on this for the last 3 years together. The gentleman from California (Mr. GALLEGLY) and others on our side of the aisle worked so hard on it. It provides retirement security for all Americans. Half of America's workforce, 70 million people, have no pension coverage at all today, and everybody agrees on the right, on the left, and the center that we need to increase savings in our economy so that we can be sure that the economic prosperity that we are now enjoying continues. This legislation addresses these issues head on.

It does 3 things. It lets everybody save more in an IRA, moving it from $2,000 a year to $5,000 a year. It lets people save more in their 401(k)s. Mr. Speaker, 42 million Americans that we

represent now have 401(k)s. It lets everybody put more aside for their own retirement, in traditional pension plans.

Second, it allows rollover of pension plans from job to job. In our increasingly mobile society, that is very important to the workers we represent. Finally, it streamlines and modernizes our pension laws to reduce the costs, the burdens and the liabilities, particularly to small business, so that more and more Americans will be able to enjoy a secure retirement. This is good stuff.

Mr. President, I cannot believe you are thinking of vetoing this legislation. Do not stand in the way of retirement security.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I oppose this bill precisely for the reasons the gentleman who just spoke says we ought to support it.

There is no death tax relief in this bill, and after spending most of the year in here knowing that we could very well have a death tax relief for small businesses, it is not in this bill. There is no marriage tax penalty relief anywhere in this bill, and we spent considerable time talking about that.

This bill has the wrong priorities on Medicare relief. I represent a district that is very rural. My rural hospitals need considerably more help than what those who wrote the provisions in this bill are suggesting. The bill also undermines welfare reform by dropping the provision extending transitional Medicaid. We are increasing discretionary spending at a record rate, cutting taxes by $300 billion without dealing with the estate tax, marriage penalty, or enacting other legislation to eliminate the national debt; and it is the wrong thing to do today.

Mr. Speaker, we must recognize we have to set priorities. The priorities of the majority are not the priorities of this Member. I urge a ''no'' vote on this bill.

I oppose this conference report because it has the wrong priorities in using our limited resources.

My priorities are eliminating the national debt, providing relief from the estate tax and marriage penalty, beginning a National Energy Policy, and giving assistance to rural hospitals and other health care providers. This bill does not address these priorities.

If this bill is enacted on top of the legislation already passed this year, we will have used nearly $1 trillion on the project surplus over the next ten years this year.

According to the bipartisan Concord Coalition, if discretionary spending continues to increase at the same rate is has over the last three years under a Republican Congress for the next ten years, nearly two-thirds of the projected $2.2 on-budget surplus will be wiped out.

Under one scenario, there would be just $350 billion in surpluses available for other priorities after we take Medicare off-budget next year.

The cost of this tax bill, when combined with the telephone excise tax bill, will consume nearly $300 billion of the surplus over the next ten years, not counting interest costs.

Enacting a tax cut as presented will consume virtually all of the surplus available for tax cuts, leaving no room to address other priorities.

No room to deal with estate tax.

We have bipartisan support for meaningful estate tax relief which would exempt all estates less than $4 million from the estate tax and reduce rates by 20 percent immediately.

Nearly half of the Democratic Caucus has cosponsored an estate tax bill that would do that, but the Wall Street Journal reported that the Republican leadership has rejected that proposal because they would rather have a political issue for the campaign instead of accomplishing something on estate tax.

No room to deal with marriage penalty relief.

This bill excludes many important items that were included in earlier tax bills:

All of the tax incentives for domestic oil and gas producers that were included in the Senate bill were excluded for some reason. With all of the talk about the need for a national energy policy, I don't understand why the leadership would oppose efforts to help our domestic oil and gas industry.

An important provision for farmers which clarify that CRP payments are not subject to self-employment taxes were dropped from the bill.

The bipartisan legislation on Individual Development Accounts which I cosponsored with Representative JOE PITTS, which would help low-income families save money and move into the middle class, were dropped for some reason.

While I support the increases in IRA limits to help middle and upper income families save for retirement, I do not understand why the tax credits to help low income workers who most need assistance save for their retirement were dropped.

This bill has the wrong priorities on the Medicare relief package. This bill shortchanges the critical needs of rural hospitals, home health agencies and other health care providers.

The bill also undermines welfare reform by dropping the provision extending transitional Medicaid, which ensures families moving from welfare to work do not lose health insurance for their children.

We are increasing discretionary spending at a record rate and cutting taxes by $300 billion without dealing with the estate tax, marriage penalty or enacting a plan to eliminate our national debt.

Mr. TALENT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS).

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

Mr. THOMAS. Mr. Speaker, we are here today with a Presidential veto threat, and I am here to address that provision in the Medicare and Medicaid area, because in the President's message, he said, as several of my Democratic colleagues have said, that the bill fails to attach accountability provisions to the health maintenance organizations.

I am sorry to tell my friends who made that statement that they are simply flat-out wrong. I hope they did not do it for political purposes. I hope they did it because they were either uninformed or misinformed.

On page 143 in the bill, on lines 17 and 18, the language contained therein is the language supplied to us by the administration in terms of their request for accountability. Now, it seems strange with all of the arguments that there has not been much discussion between the administration and those of us that are charged with the responsibility as the majority to work with the minority, which we did in the Committee on Ways and Means subcommittee, by unanimously passing out the provision. It says, any of the dollars in this bill sent to Medicare HMOs can only be used to reduce premiums, cost-sharing, enhance the benefits of the beneficiaries, or utilize the stabilization fund. Every dollar that is added must be converted to benefits for individuals.

The President also says that there are other health care providers that are shorted by the basis of the HMO provisions. Let us remember that this is supposed to be not always for providers, it is supposed to be for beneficiaries. It is supposed to be for people in trouble. Organizations surrounding that have all written us letters. More than four dozen associations have said, we like what you are doing, we support what you are doing, we hope Members vote for it, we hope the President does not veto it. Organizations such as the American Cancer Society, the American Dietetic Association, Juvenile Justice Foundation, the National Kidney Foundation, the National Multiple Sclerosis Society, these are the people that are urging us to vote for the bill. They want us to vote for the bill.

The President's veto threat says that other providers have been shorted because so much money has been given to the Medicare HMOs. Then why in the world is the Long Term Hospital Association endorsing this, urging members to vote for it? Why is the Federation of American Hospitals, the National Association of Childrens Hospitals, the National Association of Long Term Hospitals, the National Association of Psychiatric Health Hospitals, the National Association of Urban Critical Access Hospitals, and the one usually held up, the American Hospital Association, says in a letter dated today, and I quote, American Hospital Association says, ''We are urging Members to vote in favor of this legislation and have recommended that the President not veto the legislation.''

The other providers say, vote for the bill and pass it. The associations that are going to benefit, the American Red Cross and others, say vote for it and pass it.

Mr. Speaker, I am just curious as to who these unnamed folks are that somehow are being benefited in here. Believe me, this is good legislation. Follow these people. Vote for it, pass it, and the President should not veto it.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this legislation. Instead of helping those that faced the real cuts in 1997, what our Republican colleagues have done is they have gift wrapped an early Christmas present for the same HMOs that continue to reduce coverage for seniors and in many cases drop their coverage altogether.

Unlike hospitals, home health, hospice providers, Medicare HMOs did not have their funding cut in 1997, yet this past year, we invested $1.4 billion in Medicare+Choice and the Medicare HMOs returned the favor by dropping nearly 1 million seniors, 56,000 in my State of Connecticut alone. And guess what? There is no meaningful accountability in this piece of legislation. These folks can pull the rug out from under people after a year. That was not changed at all in this piece of legislation.

I say to my colleagues, they got $1.4 billion, talk about bang for the buck, and they let all of these people adrift. The Republican bill would now give the Medicare HMOs 41 percent of the money in this bill, $10 billion. It is wrong, it is unfair, it does not help those who need it the most.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I am rising to oppose this legislation. I want to recognize the extraordinary leadership of the ranking member of the Committee on Small Business (Ms. VELAZQUEZ), and I urge my colleagues to oppose this legislation.

This bill is sadly deficient because it misses opportunities. It misses an opportunity to help our health care providers secure benefit improvements in Medicare and Medicaid that would increase the access of millions of Americans to the health care they need. Unfortunately, the Republican leadership has chosen to make HMOs not the beneficiaries the focus of this flawed legislation.

Another missed opportunity was a bill that passed in bipartisan fashion out of the Committee on Commerce which would have increased enrollment in the CHIP and Medicaid, reduce out-of-pocket Medicare expenses and increase access to health insurance for disabled children and legal immigrants. It is a stark example of failed leadership.

Another opportunity that is missed is the bipartisan legislation to provide incentives to private sector biotech and pharmaceutical companies to accelerate development of vaccines for AIDS, malaria, and TB.

Mr. Speaker, the biggest missed opportunity is in school construction. How can we ignore the needs of our children?

Mr. Speaker, I rise in opposition to this measure which fails to provide tax relief to the families and institutions that need it most and fails to adequately meet our nation's health care needs. At the heart of the many flaws that are contained in this bill is the refusal of the Republican leadership to negotiate these measures in a bipartisan manner.

We are nearly a month into the fiscal year, and the Republican leadership continues to push forward bills that we all know will be vetoed because of their refusal to reach across the aisle and compromise. The American people deserve better leadership and a real commitment to achieving the important goals of tax relief and improved access to quality health care.

We are blessed in this country with the finest health care providers in the world. However, we must not take our good fortune for granted. The Balanced Budget Act of 1997 initiated several important changes in reimbursement rates for Medicare and other federally funded health care programs. Unfortunately, many of these new reimbursement rules resulted in payment cuts to health care providers that were far greater than Congress intended. As a result, hospitals, nursing homes, patient care and academic health centers across the country are suffering.

The refinements passed last year were a start, but they only addressed a fraction of the losses that the hospitals skilled nursing facilities that treat our most vulnerable citizens are facing. A recent report by the Lewin Group estimates that without further relief nearly 60 percent of the nation's hospitals will not be able to cover the costs of treating Medicare patients by 2004, and in the last two years 170 skilled nursing facilities have filed bankruptcy in California alone.

Today, we have an important opportunity to help our health care providers and secure benefit improvements in Medicare and Medicaid that would increase the access of millions of Americans to the health care they need. Unfortunately, the Republican leadership has chosen to make HMOs, not beneficiaries, the focus of this flawed legislation.

Medicare+Choice is an important program, but it is irresponsible to allocate over a third of the resources in this bill to a program that serves less than a sixth of our citizens. And to do so without any accountability measures demonstrates once again that the Republican leadership is on the side of the insurance industry, not on the side of patients.

All year long we have been waiting for the Republican leadership to pass a real patient's bill of rights. When the House and Senate began the conference on this issue in October 1999 there was an important decision to be made, would this Congress vote to protect patients or HMOs? Democrats have been united and clear in our choice. We choose patients. But the Republican leadership has been just as clear in their determination to protect their friends in the insurance industry. Today, they have once again chosen HMOs over patients.

Benefit improvements in Medicare and Medicaid are long overdue, and ignoring an opportunity to increase enrollment in CHIP and Medicaid, reduce out-of-pocket Medicare expenses, and increase access to health insurance for disabled children and legal immigrants is a stark example of failed leadership.

I am also opposed to a provision that has been included in this bill which violates the privacy protections that the Census Bureau has promised the American people. This provision would provide personal information to the Congressional Budget Office that is given to the Census Bureau with the understanding that the data will be used solely for the Census. This year's high response rates to census surveys will surely decline if that promise is broken.

Among the many important items excluded from H.R. 2614 is bipartisan legislation to provide incentives to private sector biotech and pharmaceutical companies to accelerate development of vaccines for AIDS, malaria, TB and any other disease that kills one million or more people annually. The Vaccines for the New Millennium Act, which was developed in collaboration with industry and public health advocates, creates tax and purchase credits that will increase R&D and expand the market for new vaccines.

The combined deaths from AIDS, TB, and malaria total over 7 million each year. Preventive vaccines are our best hope to being these destructive worldwide epidemics under control. The National Institutes of Health is doing crucially important vaccine research. But private sector biotech and pharmaceutical companies have much of the expertise to develop and produce vaccines, and we must leverage their resources and encourage the market to work more effectively in order to develop these vaccines in the near future.

This legislation fails to achieve the tax relief that American families need and the improvements in access to quality health care that they deserve. This country deserves better. I urge my colleagues to vote no on H.R. 2614.

Ms. VELAZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, this is an accumulation of five bills that were introduced yesterday. It is 960 pages in length. I can tell my colleagues what my gut tells me, and I am quoting from a colleague in the Mississippi legislature: There are enough snakes in this bill that it would take a herpetologist to sort them all out.

We are dealing with people's retirement, and one provision of this bill would allow the person who is rolling those retirement funds over to pocket the profits for 60 days. Grandma does not get them, he gets them, not the person who deserves them, the guy who convinces grandma that she needs to roll it over. That is just one provision.

There is another provision that on a casual reading of this bill that I showed to over a dozen Members of Congress and an equal number of members of the press would have us believe that we get a tax deduction for paying bribes.

Now, I say to my colleagues, if it is our job to make the tax laws simpler and more understandable, why on the last day of this session would we parade out a bill that is going to add 965 pages to the Tax Code that no one fully comprehends?

Mr. TALENT. Mr. Speaker, the gentleman is referring to the foreign sales provision of the bill, and that is the administration's provision.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

It greatly concerns me to have this bill so maligned, because the gentlewoman from New York (Mrs. LOWEY) and I worked so hard to have the increase for hospitals included in this bill, the inflation update. It pains me that Senator KENT CONRAD and I worked so hard to have rural health care in this bill. It is in this bill. It pains me to have Senator BOB GRAHAM from Florida, having worked so hard with me on preventive health benefits in this bill, to hear this being described as a partisan bill. It pains me, with the gentleman from Florida (Mr. WEXLER) and the gentleman from Florida (Mr. DEUTSCH), who, we worked together on HMOs that are leaving our country destabilized to bring them relief and reform.

Mr. Speaker, I realized this is not about people today, it is about power. When the President refused to have a public bill signing on a breast cancer treatment bill at the White House because he was afraid the gentleman from New York (Mr. LAZIO) would get credit for it, who is running against Mrs. Clinton, I realized it is about power, not people; I realized it is about politics, not people, and for the other side of the aisle to decry this bill as some last minute attempt, after we have worked 2 years on producing this document, shame on them for voting no. Shame on them.

□ 1645

Ms. VELAZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, both parties agree that the tax code should help school districts issue school bonds and build schools. But this bill provides only half of the tax credits for school bonds that we need. It has weasel words on Davis-Bacon, which means we will get substandard schools built at substandard wages.

Worse yet, it allegedly helps our school districts by dealing with the arbitrage provisions. It will not build a school on Elm Street. It will build skyscrapers on Wall Street.

It allows and encourages school boards to take the bond proceeds to Wall Street and arbitrage them in risky investments. Is that not how Orange County, California, went bankrupt just a few years ago?

We need provisions that provide tax credits so that school boards can issue school bonds and have the Federal Government, in effect, pay the interest on those bonds. What we do not need is a provision that allows school districts to take bond proceeds, encourages them to delay construction, and urges them to go play the market.

I know that the bond councils out there dream that they will become investment bankers, but that is not what school bonds are all about.

Mr. TALENT. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I stand in strong support of this legislation which deserves bipartisan support. I have heard a lot of claims on both sides about support for expanding IRA's and retirement savings. It is in this bill.

I hear a lot of claims about support for increasing reimbursements for our local hospitals and nursing homes and home health care providers. Well, there is $28 billion worth in this bill.

I hear a lot of claims about support on both sides of the aisle in support of increasing the minimum wage. We do that in this legislation. In fact, 98 percent of this bill we voted in favor of already.

Let me point out, there are important provisions that help the little folks. There is 10 million building tradespeople, cement finishers, operating engineers, carpenters, laborers, who right now have their pensions limited because of the section 415. I have had many colleagues on the other side of the aisle come up and say, ''Are we going to get it in the bill?'' I hope they will vote for it, because this is their opportunity to help those 10 million building tradespeople get their full pension.

I also want to point out that we have tax incentives in here for brownfields, cleaning up environmental cleanup which allow every community in the America to benefit from that incentive.

Ms. VELAZQUEZ. Mr. Speaker, may I inquire how much time each side has remaining.

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from New York (Ms. VELAZQUEZ) has 3¾ minutes remaining. The gentleman from Missouri (Mr. TALENT) has 2¼ minutes remaining.

Ms. VELAZQUEZ. Mr. Speaker, I would like to inquire of the other side how many more speakers they have.

Mr. TALENT. Mr. Speaker, we have two more on this side; and I understand we are closing, so perhaps the gentlewoman from New York (Ms. VELAZQUEZ) could go with a couple of speakers.

Ms. VELAZQUEZ. Mr. Speaker, I have one more speaker, then I am ready to close.

Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I favor real middle-class tax cuts. I favor tax cuts which put small businesses on the same footing with large corporations. I favor pension reform. And I favor Medicare adjustments to keep small hospitals open.

But I am going to oppose this bill because of the cynical inclusion of a provision which specifically overturns Oregon's death-with-dignity law. This was voted on by the people of Oregon, not once, but twice.

What will happen if this bill passes is that things will not play out in grand chambers like this. Things will not play out in the hospitals that we are trying to keep open. There will be little rooms across this country, in Oregon, where the scenes will be played out in small rooms filled with pain.

If my colleagues want that pain to occur, then vote for this bill. If my colleagues want to prevent that pain from occurring, if they want real tax relief, then vote against this bill.

Mr. TALENT. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this bill. I point out to my colleagues that almost every section of it they have voted for overwhelmingly: the retirement security provisions, the small business tax relief, the foreign sales section, the community and renewal provisions, and the health care provisions. They have voted for it because it is good tax law and it is good for working people.

Let us look at the Medicare section. Do my colleagues realize that the Medicare provisions came out of the Committee on Ways and Means Medicare subcommittee with unanimous support?

The Democrats voted for a 4 percent increase for managed care, plus the proposal of the gentlewoman from Florida (Mrs. THURMAN) that those coming back into the market get a bonus. That is what the professional folks on your side that are the closest to this issue voted for.

Otherwise, the Medicare section is just like the Committee on Ways and Means structured it, with some additional provisions from the Committee on Commerce that enriches, not only Medicaid, but gives States back that CHIP money for their children's insurance programs and does something we have all tried to do for a long time, and that is loosen the definition of ''homebound'' so more money will go to home care.

That is why all the groups support this, the hospitals, the nursing homes, the home care providers. My colleagues should support it, too.

This is about the strength of our Medicare system and the providers that serve them. It is about good tax policy across the board. My colleagues have voted for it overwhelmingly. Support it today.

Ms. VELAZQUEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, the time is short so I wish to focus my remarks particularly with regard to the small business section of the bill and encourage my colleagues to vote against it, even though I wanted to commend the gentlewoman from New York (Ms. VELAZQUEZ) for all the work she has done in this effort.

Ms. VELAZQUEZ. Mr. Speaker, I would like to inquire if the gentleman from Missouri has any further speakers.

Mr. TALENT. Mr. Speaker, the majority leader is going to close on our behalf.

Ms. VELAZQUEZ. Mr. Speaker, I yield the remaining time to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIO. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, this bill is a giant, gargantuan, enormous hand-out to the HMOs. At a time when health care costs are bankrupting families all across America, closing hospital doors throughout this country, 47 percent, 47 percent of the dollars under this Republican bill, under the Medicare part of this bill, go to the HMOs.

The same HMOs that deny one seeing one's specialist will get $30 billion under this bill over 10 years. The same HMOs who abandoned the rural areas of this country get $30 billion under this bill. The same HMOs who left stranded a million seniors in this country over the last year will get $30 billion under this bill. The same HMOs that will not allow one to go to the nearest emergency room because of cost will get $30 billion under this bill.

But it is not enough that the Republicans would turn their backs on the hospitals and the nursing homes and the home health care agencies, they want to transfer $30 billion to the HMOs. It is not enough that they would do that; but on top of that, they started this Congress, we started this Congress with the hope that we would get the simplest of a Patients' Bill of Rights. Of course that has been abandoned.

So what we have here is no Patients' Bill of Rights for our seniors, for our mothers and our fathers and our children. What we are ending up with in the Congress is a huge, enormous $30 billion gift, Christmas present, call it what you want, for the HMOs at the expense of the other providers who are struggling to care for our families.

The President will veto this bill. The President should veto this bill. We will stay here, and we will fight as long as it takes for the hospitals, for the nursing homes, and for the caregivers of the American families, those people who American families depend on.

I urge my colleagues to vote no on this bill and send a very clear message that this Congress has been a failure when it comes to health care, especially with respect to providing for our families through the proper channels and not through the HMO giveaway.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from New York (Ms. VELAZQUEZ) for her many kindnesses and her powerful advocacy of her views and the graciousness in the times we have served together on the Committee on Small Business. I want to thank the gentlewoman.

Mr. Speaker, I am happy to yield the remaining time to the distinguished gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I guess I am a little confused by all the protests I hear about this bill. It has been suggested that maybe we did not consult enough with the White House or perhaps other Members of the Congress other than the Republicans in the House. Let me assure my colleagues, we have talked about that.

This bill, Mr. Speaker, provides $245 billion in tax relief over the next 10 years, a figure that I personally agreed to with the Secretary of the Treasury on behalf of the President. That would be $11.5 billion impacting the first year, this fiscal year. I personally agreed to that figure with the Secretary of the Treasury as he acted on behalf of the President. That allows us to keep our 90 percent pledge to pay down 90 percent of the budget surplus in debt reduction.

Then as we proceeded in our discussions with the White House, we reminded them that we wanted to put together a bill that had proven standing by virtue of the votes taken in the House.

We started off with the bipartisan Portman-Cardin bill that had already been voted in this House by a vote of 401 to 25, virtually all of us on that bill. Very little change was made with that, and only those little minor changes that were agreed to by the White House and in consultation with the authors of the bill, a Republican and a Democrat, and other interested parties.

We went on, and we included minimum wage, the top priority of the Democrats, and attended that with a small business wage package that attended it when it left the House. That part of the package passed with a large bipartisan vote.

We added then a foreign sales corporation fix. It had passed the House by 314 votes, 114 of which were Democrats, wanted by the White House as a top priority.

Then we included community renewal. That passed the House by 394 votes and was the product of what was agreement between the President of the United States and the Speaker of the House as they toured the country, talking about what they wanted to do to help people in these communities that did not seem to keep pace with the prosperity of America and all these wonderful ways. It was directly negotiated by the White House with the Speaker of the House; 394 us voted for it.

Maybe it is not, then, these major component parts that bother the folks that now say they want to vote no. Maybe it is the fact that we give a long-term tax credit, tax deduction, asked for by the White House, given by us out of consideration for those loving children that take their parents into their households and take care of them in their old age. It does not seem a big thing to do. But I have to tell my colleagues rich kids do not need that, but we love it. We love it for those young men and women with their own families that care for mom and dad in their old age.

Maybe my colleagues all object to the health insurance tax deduction that would give the waitress in the corner restaurant down here the same consideration of tax code as she struggles to buy her health insurance as is given to a CEO that has his insurance provided to him by his employer. Maybe my colleagues do not think that is fair to give that waitress a tax deduction for what she pays for health insurance.

Perhaps my colleagues are upset about the adoption tax credit that would enable more families, particularly more low- and marginal-income families, to take more children into their families and love them. Perhaps my colleagues would rather see the children out in the cold. Maybe that does not bother them.

I saw the gentleman from Texas (Mr. STENHOLM), the ranking Democrat on the Committee on Agriculture, down here complaining. Maybe it was the farm savings accounts that give farmers encouragement and assistance as they save in the good years to help themselves through the bad years. Maybe that is what my colleagues object to. The White House liked that.

□ 1700

Or perhaps it is the school construction provisions that first stops this immoral taxation of the meager earnings that a school district has on their bonds while construction is underway, and then goes on to in fact give further tax deductions and consideration to communities that want to issue bonds to build schools or renovate schools. The White House asked for that. Perhaps my Democrat colleagues in the House disagree with the White House and would rather not have that.

Or perhaps maybe my colleagues' objections are that while we do not give them that, we at the same time increase for so many of these school districts their production costs beyond the point where it does them any good to have this benefit under the tax law by virtue of some sop they want for their labor friends that finance their campaigns.

Maybe the things that bother my Democrat colleagues is the tax credit we gave to people who want to provide computers to students in schools and libraries. I do not know what it is that bothers my colleagues, but whatever it is that bothers them, they should not let what bothers them cause them to deny the fact that 90 percent of this passed through the House, mostly with their votes before.

Maybe the problem is we are going to pass this law just too close to the elections. Maybe that is what is bothering my Democrat colleagues.

Mr. Speaker, this is not a perfect tax bill. There rarely are perfect tax bills.

But I can tell my colleagues this from my discussions with the White House. There are some things in this that we do not like, and there are some things that the President does not like. There are some things that are not in here that we would like to have seen in here, and there are some things that are not in here that the President would like to have seen in here. We are only mostly happy, and he should be only mostly happy.

The spirit of compromise means that nobody gets to be perfectly happy. And maybe that is what makes this a good bill, and we all ought to vote on it. Because working together, us with our point of view, my Democrat colleagues with their point of view, our desire to help real people in their real lives, whether it is adopting children, helping individuals save for their own old age, helping mom and dad in their old age, securing health insurance saving for a rainy day, or perhaps the farmer wants a day that does not rain so much, whatever it is in here, we are right here, my colleagues. We are right not only in our understanding with our heads of the tax code and its injustices that must be addressed but, more importantly, in our heart for saying to the American people that they created the surplus and they deserve some of it back.

Do we really have to keep it here so we can spend it all? I ask my colleagues to vote ''yes.'' I ask the President to sign the bill. It would make him mostly happy, I think. And that is as much as anyone can expect in this life.

Mr. POMEROY. Mr. Speaker, I rise in opposition to this bill, which includes badly misplaced priorities in the areas of health care and education.

There is a crisis among rural health care providers. As a steering committee member of the Rural Health Care Coalition, I have fought long and hard to address and alleviate this crisis. Too many rural hospitals, nursing homes and home health agencies are being forced to cut back on their services or to shut their doors because Medicare reimbursement levels are inadequate to cover essential costs. Unfortunately, rather than provide sufficient funding for these essential providers, the bill before us directs a whopping 41 percent of the available funds to managed care companies—even though HMOs provide coverage for only about one in six seniors nationwide.

Because this bill provides a disproportionate share of funds to HMOs, all the other providers have been shortchanged. One of my priorities, and one of the priorities of our nation's hospitals, is to provide them with a full inflationary update over the next two fiscal years. As prescribed by the Balanced Budget Act of 1997, hospitals did not receive an inflationary update in fiscal year 1998 and thereafter have received reduced updates. Rural hospitals depend more upon Medicare reimbursements than do urban facilities and feel a greater impact from payment reforms and reduction. In fact, in my home state of North Dakota, hospital payments are still expected to decrease by $416 million, or 11 percent, from pre-BBA levels during fiscal years 1998–2004. This is unacceptable.

I am disappointed, therefore, that this measure provides hospitals with a full inflationary update for only one year, fiscal year 2001. At the end of that fiscal year, the promise that some my colleagues are making to these health care providers, a promise to help them keep their doors open, may be broken. I intend to uphold this promise; I have been in personal contact with the Administration, and they have assured me that they, too, are committed to our nation's hospitals and will continue to fight for a full, two-year inflationary update. The least we can do is to provide our hospitals with an annual Medicare payment update that reflects an unreduced adjustment for inflation, the same adjustment we provide in other federal programs that seniors rely upon, such as Social Security.

The development of home health services as part of the Medicare program has been of great benefit to our nation's seniors. With home care, our seniors receive quality, skilled care in their very own homes, postponing or eliminating the need for care in more costly, and often more isolated, settings. Unfortunately, home health agencies have also suffered financially under the unintended consequences of the Balanced Budget Act. This measure was supposed to cut $16 billion in home health care spending over five years; new estimates show that we have actually cut $69 billion, over four times what was anticipated.

Congress has a chance to do some good this year; we can eliminate the further 15 percent reduction in Medicare payments to home health agencies scheduled to go into effect in October 2001. This Congress, however, is voting on a measure that will only delay this cut for one more year, until October 2002. This, too, is unacceptable.

Providers are already doing all they can to keep their doors open under these financial constraints. This has not been easy. Across the nation, thousands of home health agencies have closed or stopped serving Medicare beneficiaries. In North Dakota, four of the state's 36 Medicare-certified agencies have been forced to do the same. As a result, the number of patients receiving Medicare home health services has dropped. In 1997, 3.6 beneficiaries received home care across the nation; in North Dakota, about 9,000 Medicare patients were served. Only one year later, the number of Medicare patients served by home care dropped an amazing 17 percent nationwide and 10 percent in North Dakota. We cannot continue to address the financial crisis facing our home health agencies on a year to year basis. We have to act now to end this trend by repealing the 15 percent cut in Medicare payments for once and for all.

I am also disappointed with the Republican school modernization provision in this legislation. I believe that we have a responsibility to provide our children with a quality education in a safe, modern environment. As a father I want to be sure that my children, Kathryn and Scotty, are learning in the best possible environment. As a Members of Congress, I want that for all American children. The proposal before us would not achieve that goal.

Mr. Speaker, studies have shown that American schools would need an additional $125 billion in construction and renovation funds to be able to provide our children with the best education. In North Dakota alone, the National Education Association estimates the need for an additional $545 million to adequately address school modernization issues. To provide schools with the resources they need, we must pass the bipartisan Johnson/Rangel bill, which would provide almost $25 billion in tax credits to pay the interest on school construction bonds. Unfortunately, the legislation we consider today would provide less that half of that amount. Mr. Speaker, I believe that the education of our children is worth more than that.

This legislation also includes a change to the tax-exempt bond arbitrage rules that largely fails to meet the stated objective of modernizing schools, especially in rural areas. Under the Republican proposal, school districts would have four years to spend school construction bond proceeds rather than the two years currently permitted. Accordingly to Republicans, this would enable school districts to invest bond proceeds for a longer period and recognize greater arbitrage profits. The truth is, many school districts will receive no benefits from the Republican proposal. Schools with urgent needs, forced to teach children in trailers and dilapidated buildings, would not benefit from this legislation. Their backlog of unmet needs means that they do not have the luxury of waiting four years before completing school construction.

The school modernization provision in the Republican tax bill is simply inadequate to address the urgent construction and renovation needs of our nation's schools, and I urge my colleagues to oppose this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong opposition to a veiled attempt by members from the other side to bring tax relief to the floor at the expense of some of the wealthiest and vulnerable Americans in our economy. It would do nothing but harm our seniors.

The bill is deficient in three major areas. The legislation fails to include the Rangel school construction tax credit provisions, which would help leverage $24 billion in financing for school construction and renovation. In addition to providing much-needed construction and renovation of schools, these provisions would include vital Davis-Bacon wage protections for construction workers. The bill should have included real education reform.

Second, the Republicans crafted a health insurance coverage without any input from colleagues from the other side. And it shows, Mr. Speaker. This is the wrong type of health reform. And it is wrong for the urban and rural hospitals in my district. We can do better for America. Republicans have spent the entire year fighting against a Medicare prescription drug benefit or a truly enforceable Patients' Bill of Rights. Even worse, Republicans have fought meaningful expansions of health insurance options for working families and have prevented assistance for families with long-term needs.

This bill includes huge tax breaks for the wealthy without any financing for a Medicare drug benefit, extending the life of the trust fund, and protecting Medicare surplus for its future needs. Furthermore, the legislation still allows individuals who do not participate in employer-sponsored health plans to take an above-the-line deduction for the cost if their health insurance premiums. This is an extremely inefficient and costly means of trying to expand health insurance coverage. Even

worse, it could have the perverse effect of undermining existing employer-based coverage. Instead of this unprincipled proposal, Congress should immediately consider other more targeted mechanisms to expand health insurance coverage which would not jeopardize workers existing coverage.

We also know, Mr. Speaker, that this bill includes a massive payment for HMOs with no requirement that plans do not leave communities and strand seniors or cut back on benefits. The bill would give $30 billion in relief to health care providers under Medicare. Unfortunately, these additional reimbursements are too heavily weighted toward HMOs, with insufficient assistance being given to urban and rural hospitals. In addition, this legislation fails to include adequate guarantees that health care plans will maintain benefits for seniors.

It is clear that there is no meaningful guarantee of increased access plans or benefits. That is inexcusable. Republicans rely on a ''trickle down'' approach of giving large sums of money to HMOs and asking—not requiring—that they use the money for beneficiaries. Their bill includes no guarantee that plans will not drop out of communities or Medicare altogether when it is no longer in their interest to remain or that they will put new money towards maintaining benefits rather than shoring up their bottom lines.

This bill would hurt my district, the 18th Congressional District of Texas most dearly. HMOs have already been rolling out of communities leaving seniors bewildered and confused about their choices. When plans leave an area, seniors are left with tough choices that can be quite traumatic or disturbing, especially for low and middle-income seniors.

We want to pass a bill that makes a real difference for our Nation's seniors. And I am willing to stay here as long as we need to get the job done. Democrats support reasonable tax cuts, Medicare and Medicaid provider payment increases, and beneficiary investments. These are parts of the bill that I support, such as a downpayment on provider payment restorations, new preventative benefits in Medicare, increased managed care payments for counties that now have low reimbursement, and other provisions that provide for better care of our seniors.

It is time to come together a real bipartisan process to resolve health policies in this 106th Congress. The bill has other serious shortcomings that really have little to do with tax discussion. For example, the bill allocates too little to critical beneficiary, provider policies. Hospitals simply receive inadequate Medicaid disproportionate share hospital payments increases, which has placed many cities at a serious disadvantage. Hospitals, such as those located in my districts, are facing increasingly difficult times at providing adequate care to seniors.

There are other inexcusable ''reforms'' that have been inserted into the bill. Home health agencies receive no 2nd year delay of the 15 percent cut; nursing homes will not even benefit from the proposal to provide $1 billion in grants to states to improve quality by increasing staff ratios; hospices receive no 2nd year of update; and beneficiaries receive much less than HMOs.

Bipartisan proposals that have been excluded include are shameless. This bill contains no health coverage option for legal immigrants, passed on a bipartisan basis; no health coverage for children with disabilities who cannot access private insurance; no improved enrollment for uninsured children in schools and other sites; no extension of transitional health coverage for people leaving welfare for work; and no waiver of the Medicare waiting period for people with Lou Gehrig's disease.

Mr. Speaker, we must work together to correct this legislation and send something to the President that he can actually sign for that benefits the American people. I urge my colleagues to join me in rejecting this bill that is bad for our schools and for our seniors. We ought and can do much better, Mr. Speaker.

Ms. SCHAKOWSKY. Mr. Speaker, like many of my colleagues, I believe that we need to make changes in 1997 Balanced Budget Act to restore cuts made to Medicare and Medicaid. Unlike the authors of the provisions in H.R. 2614 that we are discussing today, I believe that increased payments deserve to go to those entities that actually provide health care to our nation's senior citizens and persons with disabilities.

There are some important provisions in this bill. I am extremely pleased with the provision to protect Illinois and other states that stand to lose needed Medicaid funds under a proposed change regarding intergovernmental transfer provisions. This is an important provision that will allow my state and others to continue to provide needed care to the uninsured and the underinsured. But overall, this bill ignores critical priorities, falls far short of what is needed, and actually undermines some protections that many of us have fought so hard to win over the past few years.

A major problem is the decision to reward Medicare HMOs instead of directing more resources to actual care providers. Only 16 percent of Medicare's 39 million beneficiaries are in Medicare+Choice, managed care plans. Yet, over the next five years, those plans would receive 40 percent of the newly-restored payments under H.R. 2614. Over a ten-year period, nearly half of the new payments would go to Medicare HMOs. Of course, the 84 percent of beneficiaries who are not in Medicare managed care won't get their fair share under this proposal. But there is no guarantee that Medicare+Choice enrollees will benefit, either.

There is no requirement under this bill that Medicare managed care plans pass any of those increased payments through to hospitals, doctors, nursing homes, home health agencies or hospice providers. There is no guarantee that, even with those new payments, Medicare+Choice plans will stay in the market. Last year, we increased Medicare+Choice payments and 934,000 beneficiaries still received letters in the mail saying that their plan was going to leave them high and dry. Yet, Medicare HMOs would get 40 percent of new payments, despite the lack of accountability and guaranteed coverage and despite reports by the General Accounting Office that in 1998 alone Medicare spent $5 billion more on those beneficiaries in Medicare+Choice plans than if those enrollees had been in traditional Medicare.

Instead of spending billions of dollars on Medicare HMOs that are here today and gone tomorrow, I would rather spend those dollars to provide direct payments to hospitals, particularly those that serve a disproportionate share of low-income and uninsured patients and provide critical teaching services. I would rather delay the 15 percent reduction in home health spending for another two years, provide nursing home quality grants and support efforts to move individuals to home and community-based care.

I am particularly concerned that this bill does not provide adequate funding for hospice and palliative care services. We are all concerned about the high price of prescription drugs, but this is a particular problem for hospice organizations that rely on prescription drugs to provide critical pain relief to terminally ill patients. When Medicare established payment rates for hospice services in the 1980s, medication costs represented about $1 of the daily rate. Today, those costs have increased by about 1500%, to $16 a day. Yet, payment rates have not kept pace and the result is that many hospice care entities are struggling to survive. In fact, as a Milliman and Robertson study conducted in response to a Congressional directive concluded, ''the trend is clear that Medicare hospice per diem payments do not cover the costs of hospice care and result in significant financial losses to hospice programs throughout the country.''

We could be acting today to provide health care for legal immigrant pregnant women and children, to adopt the Family Opportunity Act, to extend health coverage for people leaving welfare for work, to eliminate the Medicare waiting period for persons with ALS, and to expand the State Children's Health Insurance Program. H.R. 2614 ignores these very real priorities in favor of Medicare HMOs. This is the wrong priority, and I hope that my colleagues will reject this bill.

We have time to engage in real negotiations, to debate fairly and to respond to the needs of patients. We can and we must act before we go home this year to pass real, meaningful and pro-patient changes to the 1997 Balanced Budget Act.

Mr. UNDERWOOD. Mr. Speaker, I would like to express my opposition to the conference report for H.R. 2614, which includes several tax-related provisions dealing with community renewal, the repeal of Foreign Sales Corporation laws, health care and Medicare provisions, minimum wage, small business tax cuts, pension reform, and Individual Retirement Account expansion.

This legislation, which was drafted without the consultation or active participation of Congressional Democrats or the Administration, fails to provide adequate funding for school construction and modernization needs, health coverage for the uninsured, credits for long term care, pension coverage, and accountability provisions for excessive payment increases to health maintenance organizations (HMOs).

More importantly, this legislation fails to take into account the dire economies of the U.S. territories, including the Territory of Guam. For several months, I have appealed to the Administration and Congressional leaders for tax relief legislation for Guam because of the exclusion of the U.S. territories from the President's New Markets Initiative legislation and the adverse impact that legislation repealing the Foreign Sales Corporations (FSCs) program will have on Guam.

Guam's economy continues to suffer as a result of the Asian financial crisis since our island's tourism industry relies heavily on Japan and other Asian countries due to our close

proximity to Asia. Moreover, Guam's unemployment rate is at an unprecedented 15.3 percent, more than three times the national average.

I have requested that legislation I have sponsored, which is crucial to Guam's economy, be included in any final tax package, particularly if the legislation seeks to help distressed communities. The Guam Foreign Direct Investment Equity Act would provide Guam with the same rates as the fifty states under international tax treaties. Since the U.S. cannot unilaterally amend treaties to include Guam in its definition of United States, my legislation amends Guam's Organic Act, which has an entire tax section that mirrors the U.S. tax code. The legislation does not cost the federal government any money. It simply allows the Government of Guam to lower its withholding rate for foreign investors. My legislation passed the House previously as part of a Guam omnibus bill on July 25, 2000. The bill has Administration and bi-partisan Congressional support.

As background, under the U.S. Internal Revenue Code, there is a 30 percent withholding tax rate for foreign investors in the United States. Since Guam's tax law ''mirrors'' the rate established under the U.S. Code, the standard rate for foreign investors in Guam is 30 percent.

My proposal provides the Government of Guam with the authority to tax foreign investors at the same rates as states under U.S. tax treaties with foreign countries since Guam cannot change the withholding tax rate on its own under current law. Under U.S. tax treaties, it is a common feature for countries to negotiate lower withholding rates on investment returns. Unfortunately, while there are different definitions for the term ''United States'' under these treaties, Guam is not included. Such an omission has adversely impacted Guam since 75 percent of Guam's commercial development is funded by foreign investors. As an example, with Japan, the U.S. rate for foreign investors is 10 percent. That means while Japanese investors are taxed at a 10 percent withholding tax rate on their investments in the fifty states, those same investors are taxed at a 30 percent withholding rate on Guam.

While the long term solution is for U.S. negotiators to include Guam in the definition of the term ''United States'' for all future tax treaties, the immediate solution is to amend the Organic Act of Guam and authorize the Government of Guam to tax foreign investors at the same rate as the fifty states. Other territories under U.S. jurisdiction have already remedied this problem through delinkage, their unique covenant agreements with the federal government, or through federal statute. Guam, therefore, is the only state or territory in the United States which is unable to take advantage of this tax benefit.

At the end of the day, should the President and Congress agree on tax legislation or legislation on the President's New Market's Initiative, It would be a shame that Guam is not provided any economic relief as well. I believe that U.S. policymakers have an obligation to help all Americans, wherever they reside, including the U.S. territories.

Lastly, Mr. Speaker, I am also disappointed that the conference report for H.R. 2614 fails to include a legislative proposal that addresses the Medicaid needs of the U.S. territories. H.R. 5126, which was introduced by Congresswoman DONNA CHRISTENSEN and cosponsored by all of the territorial Delegates, including myself, to provide Medicaid relief to the territories by removing the Medicaid caps imposed on the territories and adjusting the Federal matching rate, is supported by the Congressional Asian Pacific American, Black, and Hispanic Caucuses.

As part of the 1997 Balanced Budget Act negotiations, the Administration proposed a phase out of the caps. While Congress appropriated the initial increase of 20 percent for FY 1997, no other increases were appropriated in the following years. As Congress and the Administration revisit the Balanced Budget Act plan in this give back proposal, we request that the issue of increasing the Medicaid caps for the territories be revisited.

The U.S. territories have the highest unemployment rates, the highest poverty levels and the lowest per capita incomes in our nation. The territories have not enjoyed the same level of economic growth as the rest of the Nation and their ability to meet the Medicaid needs of their residents is constrained by their economic circumstances. Faced with depressed economic conditions and rising health needs of growing indigent populations, the reliance on Medicaid assistance has grown beyond the federal caps and beyond the territorial governments abilities to match the funds. Lifting the cap or even following up on the FY 1997 commitment to raise the Medicaid caps for the territories by 20 percent each year until all achieve parity with the rest of the nation is vital to insuring that all American citizens and children who depend on Medicaid support are not limited by geography when it comes to meeting basic healthcare needs.

I urge my colleagues to remember the U.S. territories in any tax-related legislation, particularly as it affects distressed communities, and request that my colleagues oppose the conference report for H.R. 2614.

Mr. BLUMENAUER. Mr. Speaker the Balanced Budget Act of 1997 (BBA) substantially cut payments to health care providers in order to reduce total Medicare spending. I voted against the Balanced Budget Act because the cuts were too severe and have threatened health care delivery to the Medicare population. It is no surprise to me that the bill before us today, H.R. 2614, seeks to undo portions of the BBA. However, I am extremely disappointed with the unfair provision of this bill; it doesn't provide adequate help to the neediest parts of our health care system.

Hospitals absorbed the largest funding reductions under the BBA, Oregon hospitals alone are expecting a $33.6 million loss in fiscal year 2002. However, hospitals only receive a fraction of the ''give back'' provided by H.R. 2614. Over 41 percent of the spending in this bill goes to Medicare HMOs, affecting only the 16 percent of the Medicare population covered by managed care plans. I will not support a bill that does not provide sufficient relief to our hospitals, home health care agencies, nursing homes, and hospices.

Hospital payments aside, the increased funding to Medicare HMOs does not ensure improved healthcare for Medicare HMO customers, nor does it address the flawed Medicare managed care reimbursement rate structure that unfairly punishes cost effective states like Oregon. Managed care plans in my district have recently doubled the monthly co-payment from $35 to $69.50 with no corresponding increase in benefits. At the same time, seniors in states with higher than average reimbursement rates like California, New York, and Arizona have no out-of-pocket costs for health care and often receive dental and vision coverage and a prescription drug benefit. It is unfair to increase payments to Medicare HMOs without focusing relief on those customers that are forced to pay the highest rates and receive the fewest benefits.

A major concern is a provision that would criminalize decisions doctors make on pain management for the most seriously ill and overturn Oregon's Death with Dignity Act. Oregonians have twice voted to support the assisted suicide law. H.R. 2614 not only is an attack on the Democratic process, but also threatens to pain management. There is evidence that doctors are increasingly hesitant to prescribe pain medications to terminally ill patients for fear of being accused of unlawfully assisting a suicide. The on-going attempts by Congress to criminalize the doctor-patient relationship are a threat to pain management in all fifty states.

Mr. COYNE. Mr. Speaker, I rise in opposition to this misguided legislation. This bill contains a number of positive provisions, but it also contains a number of provisions that would hinder what I believe should be our long-term goals—ensuring that all of our citizens have access to affordable, high quality health care.

I support a number of provisions in this bill. I introduced legislation last year that would have made the current tax provision allowing the expensing of brownfield clean-up costs permanent, and I introduced legislation with Congressman JERRY WELLER that would have eliminated the existing language which limits the brownfields expensing provision to certain targeted areas. I am pleased that language expanding the definition of qualified sites and extending the expiration date of this provision through 2003 was included among the community revitalization provisions contained in this bill.

I am a cosponsor of the Rangel-Johnson legislation that would establish a tax credit for qualified school modernization bonds, so I am concerned that H.R. 2614 does not contain this bipartisan language to promote school construction, renovation and repair. Moreover, I am concerned that the bill does not provide adequate protection for the construction workers who would be employed on the school projects that this legislation would finance.

The Medicare and health-related provisions of this legislation also cause me great concern. I believe that the Members of the House are nearly unanimous in supporting additional funding for Medicare. I strongly support such an increase myself. I am concerned, however, that this $27 billion package contains too large an increase in funding for Medicare HMOs and not enough an increase in Medicare benefits for seniors and reimbursement for hospitals, home health care services, and other health care providers. Consequently, I must oppose H.R. 2614.

Finally, I have serious concerns about some of the health-related tax provisions contained in this bill. The bill would allow individuals who do not participate in employer-provided health plans to take above-the-line deductions for the cost of their insurance premiums. I have two concerns about this approach. At best, it is an

expensive and inefficient way of ensuring that all Americans have access to affordable health insurance. It does little to help the uninsured. But of perhaps even greater concern is the possibility that this provision would undermine our existing system of employer-based health insurance.

For these reasons, I must oppose this legislation, and I will support the President should he veto this bill. It is my hope that Congress will be able to craft better legislation addressing Medicare and tax cuts before it adjourns for the year.

Ms. ROYBAL-ALLARD. Mr. Speaker, I oppose H.R. 2614. This bill includes both the balanced budget act giveback plan as well as the Republican's tax cut proposal. Both of these provisions were negotiated behind closed doors and without consulting either Democrats or the Administration.

While there are many problems with this legislation, I am extremely disappointed that it does not include the Commerce Committee-approved provision giving States the option to provide basic health care coverage to legal permanent resident children and pregnant women.

The 1996 Balanced Budget Act mandated that lawfully present children and pregnant women who arrived in the U.S. after 1996 must wait five years before they can apply for basic health care. As a result, this vulnerable population cannot obtain proper health treatment such as preventive and prenatal care.

Making health care available to this group, through Medicaid and the State children's health insurance program, is simply good public policy. It would provide critically-needed health services to 144,000 children and 33,000 pregnant women per year—children and mothers who have followed the rules, paid taxes, and are in this country legally.

We cannot let these children and mothers down by excluding this critical, bipartisan measure.

Unfortunately, the Republican-negotiated package does just that.

As Chair of the Congressional Hispanic Caucus and as a Member who represents a large Hispanic community, my top priority is to advocate for the fair treatment of all hard-working, tax-paying families, including legal immigrants. Denying health care coverage to legal immigrants is not fair treatment.

For this and other reasons, I cannot support this legislation.

I urge my colleagues to oppose H.R. 2614 and work to craft a true bipartisan package that includes the restoration of health care for legal immigrant children and pregnant women.

Ms. DEGETTE. Mr. Speaker, the bill before us is an example of a fatally flawed partisan process that strips out important provisions that are important to a list of bipartisan supporters.

First and foremost, almost 50 percent of funding in this bill before us goes to HMO's in the Medicare program—over $34 billion over the next 10 years. Let me repeat: . . . $34 billion to Medicare HMO's that serve just 16 percent of the Medicare beneficiaries.

And why? Under current law, according to the General Accounting Office, ''Medicare's overly generous payment rates [to HMOs] well exceed what Medicare would have paid had these individuals remained in the traditional fee-for-service program.'' Incredibly, in the name of moving to what some claim is a more efficient model of care, we could completely repeal Medicare+Choice and save taxpayers money, reduce premiums for Medicare beneficiaries, and extend the life of the Medicare trust fund.

There is a fundamental problem with the Medicare+Choice program, and it goes well beyond the argument that we need to address pull-outs of managed care plans. Instead, we need a fundamental re-consideration of how this program operates. Instead, this Republican bill is throwing yet another $34 billion into the program.

What are we getting for this $34 billion? There is no guarantee that plans will not drop out of communities or Medicare altogether. There is no guarantee that they will put new money toward maintaining benefits rather than shoring up their bottom lines. Where is the accountability for $34 billion?

Time and time again in the Congress, you have to question which party is truly about fiscal responsibility. This partisan Republican drafted bill certainly does not reflect such responsibility.

To pay HMOs all of this money with no accountability,what was dropped or lost?

Dramatically cut by 72 percent was the Medicaid disproportionate share hospital (DSH) program from the levels passed in a bipartisan mark-up in the House Commerce Committee. That bipartisan legislation, introduced by Chairman BLILEY and Ranking Member DINGELL, incorporated provisions from legislation introduced by Representatives WHITFIELD, BILBRAY, and myself. That legislation corrected a $10.4 billion cut to the Medicaid DSH program over five years. It prevents further cuts to the Medicaid DSH program in FY 2001 and well into the future.

In sharp contrast, the partisan Republican bill before us only protects the program in FY 2001 and FY 2002 and that dramatically cuts funding to states and our nation's safety net hospitals in FY 2003. The effect is a 72 percent cut from what was included in bipartisan Commerce Committee package.

In the State of California, hospitals will lose $143 million in federal Medicaid DSH funding in FY 2003. This legislation imposes a horrible cliff effect on hospitals and a fix that would require $4 billion over 5 years. Don't put off this issue on the 107th Congress. Address it today.

What other provisions were dropped or left out in order to give Medicare HMO's the bulk of the money?

Dropped were bipartisan proposals to provide health coverage options to legal immigrant children and pregnant women, which was included in my bill, the Improved Maternal and Children's Health Coverage Act.

Dropped was another provision from that bill to improve enrollment for uninsured children in schools and other sites.

Not included were provisions to extend coverage to pregnant women through CHIP—resulting in bizarre public policy that provides prenatal care just to teenagers that get pregnant prior to age 18 but cuts them off once them become adults. If you are concerned about infant mortality, mother-to-child HIV transmission and a number of other maternal and child health issues, this is something that we should pass this year.

Dropped was the Family Opportunity Act, which would have improved work incentives for parents of children with disabilities who cannot access private health insurance.

Dropped was a provision to extent the transitional health coverage for people leaving welfare for work.

Dropped was provision to extend Medicare coverage for people with Lou Gehrig's disease, whose life expectancy following diagnosis is often shorter than the waiting period.

Not included was a $3,000 tax credit for people with long-term care needs or their family caregivers.

Not included were provisions to provide Medicare and Medicaid smoking cessation counseling to help out nation's elderly and low-income populations stop smoking and extend their lives.

Not included was anything to address the need for a Medicare prescription drug benefit.

What's more, this bill omits common sense language that was included in the Commerce Committee's mark to improve Medicare coverage of diabetes outpatient self-management training authorized in the 1997 BBA. This simple technical fix would allow the Health Care Financing Administration to recognize state diabetes education programs already established by nearly a dozen states so that they may continue to provide that service for beneficiaries.

As it is written currently, the 1997 BBA provision forces HCFA to slash the number of diabetes education programs eligible for Medicare by setting unreasonable credentialing standards, which do not recognize the state programs. HCFA estimates that only 750 programs would meet the new standards next year. Hundreds of programs currently in operation would be forced to stop serving Medicare patients. This is not the expansion of service that was envisioned in 1997. The technical fix makes sense; it is a low-cost, bi-partisan provision, yet it has vanished as a casualty of partisan wrangling and Medicare beneficiaries with diabetes will be the victims.

In addition, there are a growing number of reports across this nation about how states have failed to spend their CHIP allotments due to poor outreach and enrollment and state bureaucratic barriers. In a number of GAO reports during the past three years, a number of these bureaucratic barriers have been identified and highlighted.

We now have three years of experience with this program and a number of reports that all point to the bureaucratic barriers that prevent children from gaining access to coverage, including unnecessarily lengthy and complex application forms and enrollment processes.

For these reasons, I firmly believe we should consider comprehensive legislation in this area this year to address the problems we all know to be true with the CHIP program. Rather than enact the $1.9 billion reduction in CHIP that the Senate Appropriations Committee originally proposed or to reallocate money among the states, we should fix the problems. While I understand that some may not want to address this issue out of concern that it highlights particularly terrible enrollment in Texas, it is the 10 million uninsured children in this country that are left suffering.

And finally, I would also like to highlight an additional concern with the impact that BBA may have on Medicare beneficiaries with regard to their access to vital ambulance services. The BBA required HCFA to place ambulance service providers on a Medicare fee schedule through a negotiated rulemaking process. The problem was the BBA required

the process to be conducted in a budget neutral fashion, so HCFA was precluded from addressing the actual costs of such services in creating the new few schedule.

Unfortunately, a recent study by Project Hope, an esteemed health care think tank, indicates that ambulance services providers may face a profound shortfall in Medicare payments. It is essential that these providers are fairly reimbursed so that Medicare beneficiaries, and all Americans, are guaranteed that the 911 system is protected and there when needed.

Certainly, there are a number of provisions in this legislation that I strongly support, including:

Language from may bill, the Medicaid Safety Net Hospital Preservation Act, which prevents further pending Medicaid disproportionate share hospital (DSH) cuts to states and our nation's safety net hospitals.

Language to help our nation's community health centers receive adequate payments through the Medicaid program.

Language to address hospital Medicare bad debt payments, which comes from legislation I introduced with Representative GREENWOOD.

Language to fund diabetes research at levels of $70 million in fiscal years 2001 and 2002 and $100 million in fiscal year 2003.

Those provisions and others in the bill related to hospitals, nursing homes, home health agencies, others are fantastic and should be supported. However, they all come from language passed in the bipartisan Commerce Committee mark-up on September 27, 2000. Unfortunately, we can do much better. Our nation's elderly and low-income citizens deserve it.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for the conference report for H.R. 2614 which includes tax relief, restoration of Medicare funding, and an increase in the minimum wage.

This Member would like to emphasize the following reasons, among many others, for supporting this legislation.

First, this legislation addresses retirement savings by allowing workers to save more. In particular, it increases the current individual retirement account contribution limit from $2,000 to $5,000 phased in over three years. In addition, it increases the contribution limit on employer-sponsored 401(k) plans from $10,500 to $15,000.

Second, the conference report for H.R. 2614 would assist taxpayers with the costs of health care. In particular, it would do the following: provide a deduction for long-term care premiums if the taxpayer pays more than 50 percent of the premiums; and provide a 100 percent deduction for health insurance for self-employed individuals to become effective in 2001 (under current law, it reaches full deductibility in 2003).

Third, the conference report for H.R. 2614 will provide small business tax relief. In particular, this legislation increases the phased-in business meal expense deduction. Furthermore, it repeals current law which prohibits a business owner from spreading the capital gains tax payment over the life of the installment note. This Member has been contacted by numerous small business owners who support this repeal since they desire to sell their business over a period of years and yet still remain involved in the business.

Fourth, the conference report for H.R. 2614 provides essential tax assistance for affordable housing. In fact, it increases the highly successful Federal low income housing tax credit from $1.25 per capita to $1.75 per capita by 2002. This tax credit provides an essential incentive to developers to construct affordable housing. In addition, this legislation increases the private activity bond cap from the current $50 per capita to $75 per capita and it increases the small state bond cap limit from $150 million to $225 million by 2002. The private activity bond cap in Nebraska provides tax exempt financing for, among other things, single and multifamily housing.

Fifth, this measure maintains the current tax treatment of foreign sales corporation (FSC) beneficiaries in a manner that the United States believes to be World Trade Organization compliant. If this provision had not have been included by November 1, 2000, it would have been especially damaging to U.S. farmers and ranchers.

Sixth, this Member strongly supports the Medicare Balanced Budget Act provisions of this legislation. Communities within the state of Nebraska greatly rely upon its rural health system. The viability of the town often revolves around the hospital and access to health care. Increased funding for rural disproportionate share hospitals (DSH), the extension of the Medicare Dependent Hospital (MDH) program in rural areas, and increased access to telehealth medicine will help assure the continued viability of rural health facilities. Nebraska also has the greatest number of critical access hospitals (CAH) in the country and some specific provisions will also benefit these hospitals. These provisions include the reduction of out-of-pocket costs for beneficiaries receiving clinical lab tests and the expansion of access to ambulance services in CAH.

Lastly, this legislation increases the minimum wage from $5.15 to $6.15 over two years. A relatively small number of Nebraskans now work for less than $6.15 an hour as it is, but they are often teenagers or employees of very small businesses. This Member believes that an increase in the minimum wage can at least be partially justified by the *relatively* minor decline in purchasing power of the minimum-wage dollars since the rate was last increased in 1997. Of course, this Member would have preferred that the increase be spaced over three years, rather than two (and this Member unsuccessfully voted to do so on March 9, 2000), as this would have more closely matched the impact of inflation on the value of the minimum wage. Moreover, this Member believes the aforementioned tax relief measure will help at least a large number of small businesses off-set increased costs due to the increased minimum wage.

Therefore, for these reasons, and many others, this Member urges his colleagues to support the conference report for H.R. 2614.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to H.R. 2614, which includes the so-called Medicare givebacks legislation.

There are some good things in this bill. It includes an increase in the minimum wage over two years. It contains several incentives for Americans to save for their retirement. And it expands economic development assistance to underserved communities.

But for as much as I support these provisions, I cannot support this bill. As so many of us know, the reductions in Medicare payments mandated by the Balanced Budget Act in 1997 hit our hospitals very hard. and frankly, the BBA relief measure that Congress passed last year was just not enough.

Our hospitals nationwide are hemorrhaging from the impact of Medicare cuts. They need help to recover from these losses and cope with our rapidly changing health care system. Even with significant cuts in personnel, many hospitals are experiencing major deficits. And the plight of teaching and high-need hospitals is especially grim.

That's why I introduced H.R. 3580, the Hospital Preservation and Equity Act, which would provide hospitals an adequate adjustment for the cost of caring and would restore the inflationary update for hospitals for the last two years of the BBA. I am not the only one who thinks this is critical—321 of my colleagues have cosponsored this legislation. These cosponsors, our colleagues, come from every corner of this country, urban, rural, and suburban. They are Republicans and Democrats, but they agree—our hospitals need these inflationary payments in full, In fact, MedPac—the Congress's advisor on Medicare payment policy—has called for inflationary payment above the full level authorized now.

But despite the overwhelming support for H.R. 3580, the Medicare givebacks language in this bill does not provide the needed two years of relief. And this bill shortchanges our hospitals in other ways as well. Instead of keeping the Indirect Medical Education adjustment at 6.5 percent for at least two years, this bill enacts further cuts in 2001, 2002, and 2003.

Our hospitals are our lifeblood, and they need our help. Sadly, this bill fails to provide adequate relief to these ailing facilities. We can and we must do more. I urge my colleagues to do the right thing and provide meaningful relief to our hospitals.

Mr. NEAL of Massachusetts. Mr. Speaker, I regret that I have to speak out against this tax bill. That regret comes from the fact that it has been put together in a very clever manner. For me, it cloaks a number of very good provisions of secondary importance, with some more important items that are simply bad policy. I have generally found that when you are weighing all the items in a tax bill, you have to be particularly sensitive to bad policy because once a provision gets into the tax code, you can rarely get it out. On the other hand, the good items will resurface again in the next bill, either during the next few days or next year.

I like very much the 100 percent deduction for the self-employed, a large number of the pension provisions, the housing provisions especially the immediate increase in the low income housing tax credit and the private activity bond cap for first time buyers, and the insurance provisions, among many other provisions. Repeal of section 809 and section 815 are examples of the type of clean-up of the tax code that we need to do more of, and I congratulate the majority party for including these items.

Nevertheless, there is bad policy contained in a number of items of the bill that will have an adverse impact on average Americans. If a reasonable test of a provision is that it does something good, as opposed to simply doing something, then some key provision of this bill fail.

For example, the health deduction provides an incentive for healthy individuals to drop group health insurance. This drives up the

cost of the group pool for everyone else, and thereby drives up the total cost of the system, while providing a minimum increase in coverage.

Relaxing the arbitrage rules on school construction bonds provides an incentive for local governments to delay the construction of new classrooms for two additional years—not a good provision when you are enacting a school modernization program.

And the many good, solid provisions of the pension bill are negated by a few provisions that provide an incentive to reduce pension coverage. If the retirement savings credit and the small business credits were included, at least there would be countervailing pressures to expand coverage for moderate income workers. But those incentives, while accepted by Senate Republicans, were rejected out of hand by House Republicans.

So now we have to decide which way to go, yes or no. It would not be too hard to have crafted this bill to get a yes, but unfortunately there is enough bad policy in this bill to require a ''no'' vote. Perhaps this will produce a situation where the leadership on the other side of the aisle rethinks its decisions, and brings out an acceptable bill. I hope this is the case.

Mr. BENTSEN. Mr. Speaker, I rise today in support of the Taxpayer Relief Act of 2000. I am supporting this legislation because I believe that we must address several issues, including providing more funding for Medicare and Medicaid reimbursements to health care providers, helping more Americans to save for their retirement, increasing federal funding to rebuild our nation's schools, and investing in community revitalization efforts. Although I am disappointed that this legislation excludes certain tax and health provisions, I believe on balance that we must move forward on this effort. At this late date in the 106th Congress, I am concerned that this imperfect legislation will be the only opportunity to provide these vital tax and health benefits.

I am particularly pleased that this legislation includes provisions to provide higher Medicare reimbursement for our nation's teaching hospitals. As the representative for the Texas Medical Center, the nation's largest medical center, providing this relief to teaching hospitals is critically important. Today, many of these teaching hospitals are facing financial difficulties because they are receiving lower reimbursements from managed care health plans, lower Medicare reimbursements due in part to the Balanced Budget Act of 1997, treating a larger number of uninsured patients, and insufficient support for their biomedical research which provides the cutting-edge treatments that patients need.

This bill provides necessary higher reimbursements to hospitals. This measure provides a full Market Basket Index (MBI) update for the Prospective Payment System (PPS) reimbursement paid to hospitals beginning on April 1, 2001. It also provides an update of MBI minus .55 percent for Fiscal Year 2002 and Fiscal Year 2003. Both of these provisions are improvements over current law. This bill also includes a provision to increase Indirect Medicare Education (IME) payments to teaching hospitals to an average of 6.5 percent for Fiscal Year 2001 and 6.375 percent in Fiscal year 2002 and 5.5 percent in Fiscal Year 2003 and subsequent years. These IME payments help teaching hospitals to pay for the indirect costs of training our nation's physicians. This bill also includes a provision to provide higher reimbursements for a hospital's resident amount to 85 percent of the national average. Under current law, all hospitals are eligible for at least 70 percent of the national average. This provision will help those hospitals, such as those as the Texas Medical Center, who have historically received lower per residency amount. This provision builds upon legislation which I have cosponsored (H.R. 1224) that would provide a full 100 percent per residency amount for all hospitals.

This comprehensive package also includes improvements in the Medicaid and the State Children's Health Insurance Program (SCHIP) program. Although I am disappointed that the conference report eliminates an earlier provision based upon legislation that I had sponsored (H.R. 1298) to expand the presumptive eligibility program, I am pleased that this Medicaid provision would permit the cost of presumptive eligibility programs to be deducted from the SCHIP appropriation instead of the Medicaid appropriation, without a subsequent offset. Under current law, there is a disincentive to conduct presumptive eligibility programs because states receive lower Medicaid funding if they use them. This provision will ensure that states receive higher SCHIP allocations to conduct their presumptive eligibility outreach programs. This legislation also includes higher Disproportionate Share Hospital (DSH) payments for those hospitals which treat a disproportionate share of uninsured and underserved patients. This provision would increase Medicaid DSH payments equal to their Fiscal Year 2000 DSH allotment plus a percentage change equal to the consumer price index for each year. This increase cannot exceed 12% of each state's total medical assistance payments. In Texas, where more than 25 percent of our citizens do not have health insurance, the DSH program is vitally important to these hospitals which treat these patients. During the debate on the Balanced Budget Act of 1997, I fought to increase Medicaid DSH payments. This legislation builds upon this effort to ensure that our safety net hospitals get the funding they need to continue to provide quality health care to all Americans.

This bill also includes provisions that ensure that the State of Texas can continue to utilize the State Children's Health Insurance Program (SCHIP) allotment for Fiscal Year 1998 and 1999. I am a strong supporter of the SCHIP program which was created as part of the Balanced Budget Act of 1997 because it will help many working families to provide health insurance for their children. There are currently 1.4 million uninsured children in Texas who may benefit from this SCHIP program. Under current law, the State of Texas will forfeit up to $446 million since the SCHIP program in Texas has only been available in recent months and therefore many children have not been signed up yet. This measure would correct this inequity by ensuring that Texas can reapply for these funds. Texas would be eligible to their allotment minus the amounts distributed to those 10 states which have spent their allotment multiplied by a ratio of the state's unspent funds as compared to the total amount of unspent funds. These redistributed funds will be available through Fiscal Year 2002.

This legislation also includes necessary improvements to the preventive benefits provided to Medicare beneficiaries. This measure provides coverage for biennial pap smears and pelvic exams for all Medicare beneficiaries, effective July 1, 2001. This means that all women on Medicare will get the recommended screenings they need to detect cancer and get early treatment if necessary. It would provide annual glaucoma screening for high-risk individuals and individuals with diabetes. This legislation also includes colorectal screenings for all Medicare beneficiaries, instead of screenings for only high-risk individuals. Colorectal cancer can be effectively treated as long as patients learn about their cancers at early stages. This bill would also provide higher payments for mammograms and would encourage the use of new digital technologies that can detect cancer at earlier stages. This measure provides medical nutrition therapy for beneficiaries with diabetes and renal disease. As a cosponsor of legislation to provide Medicare coverage for medical nutrition therapy, I am pleased that we will extend this coverage to those Medicare beneficiaries who will benefit from this nutritional therapy. With better nutrition, we can help these patients with chronic diseases to stay healthy and reduce health care costs.

This measure also provides other benefits for Medicare beneficiaries. It would reduce the copayments that Medicare beneficiaries are required to pay for outpatient procedures. Under current law, beneficiaries can pay up to 70 percent of hospital's charge of an outpatient procedure. This bill would cap the amount that Medicare beneficiaries are required to pay to the hospital inpatient deductible for this year. Currently, this hospital deductible is $776 per year. This bill also lowers the outpatient copayments to 60 percent of the hospital's charge for an outpatient procedure in January 2001 and dropping 5 percent lower each year to 40 percent in 2006. This legislation also includes a provision to eliminate the current 3-year time limitation for coverage of immunosuppressive drugs for those beneficiaries who receive an organ transplant. As a cosponsor of legislation to eliminate this time limit (H.R. 1115), I am pleased that Congress has acted to ensure that these lifesaving drugs are available to organ transplant patients. Without these immunosuppressive drugs, there is a danger that these Medicare patients will reject their donated organs.

This legislation also includes a provision based upon legislation I sponsored (H.R. 854) that would require the Commissioner of the Social Security Administration (SSA) to conduct outreach efforts to identify individuals who may be eligible for the Medicaid payment of their Medicare premiums, copayments, and deductibles. This provision requires the SSA Commissioner to provide a list annually to each state's Medicaid agency with the names and addresses of people who may be eligible for this program. It is estimated that there are up to four million low and moderate income Americans who are eligible for, but not enrolled, in the Qualified Medicare Beneficiary (QMB) and Select Low Income Medicare Beneficiary (SLIMB) programs. This outreach program would help to identify these individuals and encourage them to participate in this cost sharing assistance program. The Social Security Administration (SSA) is a logical choice for providing this information since they already have income related information which they collect from each social security recipient and

can identify those low and moderate income individuals who might benefit from this help.

I am also pleased that this legislation includes necessary pension reforms that will help more Americans to save for the future. Mr. Speaker, as one who has consistently advocated for legislation to foster greater retirement security and, as one of the authors of H.R. 352, pension legislation that was subsumed into this measure, I support H.R. 2614. This measure not only enhances retirement security by increasing the annual contribution limits for individual Retirement Accounts (IRAs) and provides ''catch-up'' provisions for older workers, but also eases the administrative burdens that keep small employers from offering pension plans.

Despite the fact that unemployment is at an all-time low and incomes have risen to historical highs, we, as a nation, have an abysmally low savings rate of 3.8 percent of disposable personal income. Moreover, the percentage of private sector workers covered by a pension plan has decreased by 2% from 45% in 1970 to 43% in 1990, which leaves Social Security as the main source of income for 80 percent of retirees. With the approaching retirement of nearly 76 million Baby Boomers, clearly the three-legged stool of retirement security is in jeopardy.

In addition to an increase to the annual contribution limit for Individual Retirement Accounts (IRAs) to $5000 by 2003, indexed for inflation, H.R. 2614, much like the bill I offered with Mr. BLUNT of Missouri, encourages small businesses to provide retirement plans for their employees. Time and again, small employers tell me that the expensive and complicated procedures to establish a plan keep them from offering plans. Not surprisingly, only 21 percent of all individuals employed by small businesses with less than 100 employees participate in an employer-sponsored plan, compared to 64 percent of those who work for businesses with more than 100 employees.

H.R. 2614 would reduce plan costs and ease administrative burdens by streamlining a number of onerous pension regulations, lowering pension plan insurance premiums, simplifying top heavy rules, simplifying annual report requirements, and eliminating Internal Revenue Service (IRS) user fees for new plans. Moreover, H.R. 2614 recognizes American workers will hold several jobs during their working life by increasing portability for retirement savings and allowing workers to rollover investment in different pension plans.

H.R. 2614 also promotes retirement savings by low and middle income by providing for a temporary non-refundable tax credit equal to the $2,000 maximum annual contribution for individual earning $25,000 or less and couples earning $50,000 or less. It also provides for a three-year tax credit equal to 50% of the first $1,000 of expenses associated with the adoption of a qualified pension plan by a small business. Additionally, I would note that H.R. 2614 also establishes greater notice requirements for employers who convert their pension plan to a cash balance or similar hybrid plan, eliminating the potential for a participant's normal retirement benefit being ''worn-away'' by the conversion.

Mr. Speaker, I am also pleased that H.R. 2614 provides for the national minimum wage to rise by a dollar to $6.15 over two years. The purchasing power of the minimum wage today is 21% less than in 1979. Under current law, a single mother of two, employed full-time, 40 hours per week for 52 weeks, earns $10,712, $3,200 below the poverty line. Work should be a bridge out of poverty but, unfortunately, too many full-time workers still live below the poverty line. We cannot truly reform our welfare system until we ensure that work pays more than welfare.

Another aspect of H.R. 2614 that I support is the inclusion of provisions from legislation I voted in favor of in July 2000, the Community Renewal and New Markets Act of 2000, H.R. 4923. While the economic boom we currently enjoy has enriched the lives of many communities, there are still far too many that need reinvestment. In addition to creating nine new Empowerment Zones, H.R. 2614 provides for the designation of 40 ''renewal communities'' that would be eligible for an array of tax benefits including, immediate deductions of up to $35,000 for equipment purchased by small businesses, a 15% wage credit for each community resident a small business employs, expensing of certain environmental remediation costs associated with Brownfield cleanups, as well as Commercial Revitalization Deductions for taxpayers who rehabilitate or revitalize buildings located in a renewal community.

Under the New Markets Tax Credit provision in H.R. 2614, investors in eligible funds would receive a tax credit worth more than 30% of the amount invested and would take a 5% credit for the first three years of investment, and 6% for the next four years. The New Markets Tax Credit would be widely available on a competitive basis to eligible entities serving low- and moderate-income communities in census tracts with poverty rates of at least 20% or median family income which does not exceed 80% of the area income. H.R. 2614 also would establish a new class of venture capital funds that target a lower rate of return and provide more hands-on management assistance to their small business portfolio investments, New Markets Venture Capital Firms (NMVC). The Community Revitilazation provisions of H.R. 2614 are targeted and have the potential to make a very real difference in communities throughout this nation.

For all of these reasons, I am supporting this bill. Although I would have preferred to include more provisions and would have excluded other provisions, I believe that on the whole that this comprehensive package of provisions represents what can be achieved today. I believe that we need to be realistic that this compromise legislation is likely the only option available for this year and I urge my colleagues to support this legislation.

Mr. PAUL. Mr. Speaker, H.R. 2614 contains some very laudable tax cut measures which I strongly support. However, the bill also contains some very troubling provisions, provisions which have no place in what ought to be purely tax relief legislation. As a result, this bill represents an eleventh-hour political compromise which makes politicians feel good but does more harm than good for the American people.

Many Members, including myself, have worked hard to bring some measure of tax relief to American families this year. We worked to pass meaningful bills which would have eliminated the marriage penalty and eliminated the harmful estate tax. We worked to increase deductions for health care expenses. We worked to increase the tax-deductible amounts individuals can contribute to their IRA and pension plans. We worked for these tax cuts because we know that American families pay too much in taxes. Tax relief has been, and should be, our guiding principle.

Accordingly, I strongly endorse many of the provisions in this bill. I fully support the increased IRA and pension plan deduction amounts, which will benefit virtually all Americans. Tax-deductible and tax-deferred savings incentives represent the very best kind of tax reforms this Congress can make. Not only do Americans pay less in taxes with an increased deduction, they also have an increased incentive to accumulate retirement savings.

Another worthwhile portion of this bill addresses the needs of rural hospitals, which were unfairly singled out for excessive reductions in Medicare reimbursements by the Balanced Budget Act of 1997. While Congress deserves a share of the blame, most of the problems experienced by rural health care providers are the result of flawed implementation of the Act by the Health Care Financing Administration (HCFA). This administration has decimated rural health care in order to artificially prolong the life of the Medicare trust fund, while avoiding reforms that would give seniors more control over their health care decisions. The administration should not play political games with Medicare trust funds at the expense of rural hospitals. By doing so, it has violated the promise of quality health care made to senior taxpayers in rural areas.

Mr. Speaker, I also am pleased that this bill extends the Medical Savings Accounts (MSA) program created in 1996. MSAs and generous health care tax deductions are critical to preserving health care freedom. Federal policies removing consumer control over health care dollars inevitably have led to increased decision making by HMOs and federal bureaucrats.

We must restore individual control over health care dollars, and MSAs coupled with health care tax credits and deductions are an important step in the right direction. MSAs and health care tax deductions lower health care costs without sacrificing quality by motivating patients to negotiate for the highest quality care at a reasonable price.

Similarly, today's small business tax relief measures are commendable. We place a huge regulatory and tax burden on our nation's small employers, many of which find it difficult simply to comply with the tax laws. I support any efforts to reduce taxes and regulations on our small entrepreneurial employers.

Unfortunately, these positive tax relief provisions are outweighed by other measures in today's mixed bag legislation, measures which have been agreed to only because many Members want to claim they have passed a ''tax relief'' bill before they go home. The administration has thwarted many of our tax relief efforts through the veto process, and we apparently have decided to take whatever tax measures we can get, regardless of the price. So now we find ourselves in a position where we cobble together some less sweeping tax relief proposals which the administration will accept, and we put them in a larger bill which contains some very bad measures favored by the administration. Before we tout today's bill, however, we ought to be honest with our constituents about the real nature of this last-minute compromise.

The small business tax relief in this bill is more than outweighed by the provisions raising the federally-mandated minimum wage. While I certainly understand the motivation to help lower wage workers, the reality is that a minimum wage hike hurts lower income Americans the most. When an employer cannot afford to pay a higher wage, the employer has no choice but to hire less workers. As a result, young people with fewer skills and less experience find it harder to obtain an entry-level job. Raising the minimum wage actually reduces opportunities and living standards for the very people the administration claims will benefit from this legislation! It's time to stop fooling ourselves about the basic laws of economics, and realize that Congress cannot legislate a higher standard of living. Congress should not allow itself to believe that the package of small business tax cuts will fully compensate businesses and their employees for the damage inflicted by a minimum wage hike. Congress is not omnipotent; we cannot pretend to strike a perfect balance between tax cuts and wage mandates so that no American businesses or workers are harmed. It may make my colleagues feel good to raise the minimum wage, but the real life consequences of this bill will be felt by those who can least afford diminished job opportunities.

We also make a mistake when we rush to change our domestic tax laws to comply with the ruling of an international body. Nobody in Congress or the administration wants to talk about it, but this is the first time in the history of our nation that we have changed our laws because an international body told us to do so. We are not considering this legislation because American citizens or corporations lobbied for it. We are considering it solely because of the demands of the WTO appellate panel, which agreed with EU complaints about our corporate income tax laws. We created the Foreign Sales Corporation rules back in the 1980s, but now the EU has decided our law exempting a small portion of foreign source income from corporate taxes represents a ''subsidy.'' We have plenty of federal subsidies in this country, but the FSC tax treatment assuredly is not one of them. FSCs do not receive a subsidy—no tax dollars are collected from taxpayers and given to FSCs. The FSC rules simply permit the parent corporation to pay less taxes on its foreign income. Most EU countries don't tax their corporations on foreign income at all! So the EU complaint that the FSC represents a subsidy is ridiculous.

This measure clearly demonstrates how our membership in the WTO undermines our national sovereignty. I have warned this body that the WTO does not promote true free trade, but rather enforces politically influenced ''managed trade.'' I warned this body that our agreement to abide by WTO rulings would force us to change our domestic laws. I warned this body that our participation in the WTO was unconstitutional. Yet Members scoffed at this idea. Members of the Ways and Means committee said it was ''unthinkable'' that the U.S. Congress would change our nation's laws because of an order by the WTO. We were told that we had to join or else we would lose the international ''trade wars.'' Today we see our sovereignty clearly undermined, and at the same time we stand on the brink of a retaliatory trade war by the EU. So the WTO has given us the worst of all worlds.

We should not change our tax laws at the behest of any body other than the U.S. Congress. If we want to help American businesses, we should simply stop taxing foreign source income. Today's FSC measure will not appease the EU; they already have indicated that the House version of this bill is unsatisfactory to them. Worst of all, this measure gives the President further unconstitutional executive order powers to make changes when demanded by the WTO in the future. Never mind that the legislative power is supposed to reside solely with Congress. We simply cede our legislative authority to the WTO when we pass this measure, and it's shameful that it likely will go unnoticed by the American people. We ought to tell them exactly what we are doing to national sovereignty when we pass this last-minute mixed bag of tax measures.

Mr. Speaker, I would like to commend the leadership for bringing this conference report to the floor. This conference report includes many important provisions to spur individual retirement savings.

Most importantly, the report includes language that increases the IRA contribution limit, a proposal I have worked on for several years. The popularity of this issue is evidenced by the more than 222 bipartisan members who cosponsored my IRA legislation.

For years, millions of Americans have relied on Individual Retirement Accounts to help save for a secure retirement. However, despite their past success, IRAs are in danger of becoming obsolete because inflation is destroying much of their value. Since 1981 the limit on IRAs has been frozen. Had it simply kept pace with inflation, Americans would now be able to contribute $5,068 instead of only $2,000.

If IRAs are to continue to be a real help for people as they plan for their retirement years, it is past time for the federal government to allow higher contributions.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today in reluctant opposition to this bill. I am a staunch supporter of numerous provisions in this legislation, and have a solid voting record in support of many of these provisions in past measures. However, because language was tucked into this bill at the last minute that would overturn Oregon's assisted suicide law, I have no choice but to vote against it.

I gave people my word that I would not come back to Congress and vote to overturn what they have twice voted for. And as much as I strongly support the tax relief and health care language in this legislation, I cannot swallow the poison pill provision that would overturn Oregon's law. Where I come from, a person's word still means something and I intend to keep mine.

This legislation contains solid small business tax reductions, pension reform, and help for rural communities for health care improvements. I enthusiastically support these items and was fully prepared to vote for them. As a small business owner, and having served five years on a community hospital board, I understand the problems facing our communities and believe these provisions would be of great benefit to them. But to vote for them would mean I would also vote in a way that was against what I had promised. That's something I just cannot and will not do.

The provision to overturn Oregon's law only came to light shortly before the House began debating this bill. It was a complete and unwelcome surprise. And it has no business being tacked onto an otherwise sound piece of tax reform and Medicare enhancement legislation.

Mr. STARK. Mr. Speaker, I strongly oppose HR 2614, the bill being considered on the House floor today with the innocuous title of ''the Certified Development Company Program Improvements.'' Those provisions are far surpassed by major controversial tax, Medicare and Medicaid proposals that have been added to it by the Republican leadership without any consultation with our side of the aisle or the Administration.

This bill is a stellar example of what goes wrong when the legislative process is discarded and replaced with closed-door negotiations among a few select members of the majority party. And, it clearly spotlights the wrongheaded priorities of the Republican party.

On both the health front and the tax front, the bill before us today is a disgrace. The provisions of this legislation squander real opportunities to provide assistance to the families in our country who need the most help and instead lavish funds on those who need it least. It also provides gifts to industries that have thwarted our efforts to pass a Patient's Bill of Rights, a Medicare prescription drug benefit, and would prefer not to see an increase in the minimum wage.

On the Medicare front, nearly 40% of the spending is directed to the HMO industry when only 16% of Medicare beneficiaries are even enrolled in Medicare HMOs. HMOs will get $11 billion in new funds over 5 years and more than $34 billion over 10 years. Yet, there are no real accountability provisions that require these HMOs to commit to serve beneficiaries for a longer period of time or to maintain a specific level of benefits in exchange for these significant new dollars. That is wrong.

On top of lacking real accountability, subsidies of this level to HMOs simply defy the facts. The non-partisan General Accounting Office has shown time and time again that Medicare HMOs are overpaid for the patients they enroll. The latest data shows that Medicare spent $5.2 billion in 1998 that would not have been spent if those beneficiaries had been enrolled in fee for service Medicare rather than the Medicare+Choice program. And this is for a program that was created in 1997 under the guise that it would save money and be the long-term solution to Medicare's solvency problems.

The Administration and many of us in Congress had urged that these HMO subsidies be lowered, but that request fell on deaf ears. That shouldn't surprise any of us since the HMO industry is financially backing the Republican health care agenda through a media campaign directed at issues and candidates. The efforts of this industry alone were the most significant factor that halted Congress from enacting a real, enforceable Patients' Bill of Rights this year.

However, even worse than the largess of the rewards to HMOs is the first that those dollars squeeze out needed funds to other segments of Medicare—particularly beneficiaries.

The most important improvement we could make for beneficiaries in Medicare would be the addition of a Medicare prescription drug benefit. The fact is this will be our *only* Medicare legislation this year. This bill was our last

opportunity to deliver a Medicare prescription drug benefit for seniors this year. Instead, there is nothing in here that helps the millions of Medicare beneficiaries without drug coverage.

Earlier versions of this legislation reported by the Ways and Means Health Subcommittee and the Commerce Committee included numerous beneficiary provisions that would have made tangible improvements in Medicare benefits for real people. Provisions that Republicans have dropped during their closed door negotiation include:

Medicare coverage for victims of ALS, (Lou Gehrig's disease)—a bill sponsored by 282 members of the House,

Improvements in Medicaid coverage of legal immigrants,

Allowing low-income Medicare beneficiaries the dignity of being able to apply for financial assistance at Social Security Offices rather than welfare offices, and

Providing states with greater flexibility to more easily enroll children in the CHIP program.

In addition, there are numerous improvements for traditional Medicare providers that we have tried to get considered, but to no avail. Instead of funding HMOs, this legislation could have:

Given greater relief to our nation's hospitals, home health agencies, and other traditional Medicare providers,

Required nursing homes to implement programs to improve quality for our frail seniors who reside in these homes,

Done more to assist hospice programs serve the needs of terminally ill beneficiaries.

There are also egregious provisions included in this legislation for particular special interests. For example, the bill delays the Health Care Financing Administration's ability to pay more accurately for the few prescription drugs it now covers—a gift of at least $50 million to a drug industry that has been lying to the taxpayers about their true cost of sales. These are windfalls to the pharmaceutical industry pure and simple—and they come at the expense of patients.

Several of the tax provisions included in this end-of-the-year monster of a bill include provisions that claim to provide access to health care for uninsured people in this country. Don't be fooled by the rhetoric. These tax provisions are nothing more than thinly-veiled attempts to further tax policies that benefit upper income Americans and do nothing for those in middle and lower incomes.

The above the line tax deduction for people who purchase their own health insurance certainly sounds like it would expand coverage. But, because 93% of those without health insurance fall into the zero percent tax bracket or 15% tax bracket, this tax change does nothing to help them afford a health insurance policy. Those in the zero tax bracket get nothing from the change and those in the 15% bracket get only 15 cents on the dollar—not nearly enough to make a $6000 family health insurance policy suddenly affordable. In fact, 94% of this expensive program's cost goes to benefit people who already have health insurance. It barely expands ''access'' at all and it spends tens of billions of dollars *not* accomplishing its stated goal.

Our nation faces an upcoming crisis on long term care costs. The tax changes proposed in this legislation do nothing to alter that fact.

Long term care health insurance continues to be of questionable benefit at best. And, it is a product that only those with significant financial means can afford to purchase. So, like the tax deduction criticized above, this deduction will go mainly to people who could have afforded to purchase long-term care insurance with or without the tax benefit.

It is nice that the Republicans are finally recognizing the very real problems facing caregivers for chronically ill family members at home. Unfortunately, they have once again chosen to deal with a very real problem for millions of American families and couples—many of them lower income—by providing a tax deduction. Of course, tax deductions provide the least help to those who pay the least taxes—the very people who need financial assistance the most. By refusing to provide a tax credit for caregivers—as the Administration and Democrats have urged—the Republicans have greatly reduced the value of this policy change for everyone outside of the upper income tax brackets.

The many additional tax provisions in this bill are designed to help the CEO's who run the big companies—not the rank file Americans who work for the big companies.

The school construction tax package falls $15 billion short of the necessary funding to see that our deteriorating schools are modernized and well-equipped so that our children can learn in a safe environment. The average American public school is over forty years and old and falling apart. Seventy-five percent of U.S. public schools report that they need funding in order to bring the building into good overall condition. The GOP doesn't see school construction as a dire need since they would prefer to see the public school system dismantled. The school construction funding level in this bill is unacceptable.

In addition to ignoring the needs of our children, the Republican leadership has chosen to ignore the needs of the working men and women who will help to construct and modernize our schools. The Davis-Bacon Act has applied to contracts for public construction ''to which the United States or the District of Columbia is a party'' since 1931. The House Democrats insisted on providing prevailing wage protections in any school construction tax package that came to the House floor. In fact, we have already introduced a bipartisan school construction bill that includes the prevailing wage provisions, cosponsored by 228 House members—Democrats and Republicans. Once again, the GOP demonstrates that they care nothing about working Americans when they eliminated the prevailing wage protections for school construction.

I was one of 25 members of the House of Representatives to vote against the pension tax bill the first time it was voted on. Not only did the bill completely neglect to provide any tax incentives to help lower-paid workers save for their retirement, but it actually eliminated non-discrimination rules designed to protect the rank and file worker. In hopes that the Senate would correct these egregious provisions, many of my colleagues voted for the bill anyway. The Senate Committee on Finance adopted provisions that would further weaken the non-discrimination rules—rules that protect against disproportionate pension benefits for higher-income workers. We should be strengthening these rules to ensure that *all* working Americans save for their retirement and middle-income earners have the same pension advantages as their corporate bosses.

I commend my colleagues for including an increase in pension portability for workers who change jobs in the bill before us today. Workers don't remain at the same job over their careers and it is important that we not penalize workers for changing jobs. I also applaud my colleagues for seeing a need to provide relief on Section 415 benefit limits. Benefit formulas in collectively bargained plans are not related to compensation. The current limits placed on multi-employer pension plans unfairly reduce the pensions of low and middle-income workers. Unfortunately, there aren't enough provisions in this bill to help low and middle income workers to outweigh the far too many provisions that will harm these same workers.

Finally, I completely oppose the repeal, and replacement, of the Foreign Sales Corporation (FSC). The esoteric tax break is nothing more than corporate welfare for some of the nation's most profitable industries. The European Union has filed a complaint with the World Trade Organization (WTO) that the FSC is an export tax subsidy and therefore illegal under international trade laws. I completely agree. Yet instead of repealing the tax subsidy and complying with our international trade obligations, this bill seeks to remedy the FSC with a near exact replacement.

The Institute on Taxation and Economic Policy recently released a report that shows a rise in pretax corporate profits by a total of 23.5 percent from 1996 through 1998. At the same time, corporate income tax revenues only rose by a mere 7.7 percent. In addition to the myriad of corporate tax deductions this Congress insists on expanding, programs such as the FSC can help explain the disparity in corporate profits and corporate income tax rates.

The FSC helps subsidize some of the most profitable industries such as the pharmaceutical, tobacco and weapons export industries. Why should Congress help out the pharmaceutical industry if the industry insists on charging U.S. consumers more for prescription drugs than they charge in Europe? We shouldn't! The pharmaceutical industry sells prescription drugs in the U.S. at prices that are 190–400 percent higher than what they charge in Europe. The U.S. subsidizes the pharmaceutical industry by approximately $123 million per year through the FSC. This is unfair to the American taxpayer and must not be allowed to happen.

The top 20 percent of FSC beneficiaries obtained 87 percent of the FSC benefit in 1998. The two largest FSC beneficiaries, General Electric and Boeing, received almost $750 million and $686 million in FSC benefits over 8 years, respectively. RJ Reynolds' FSC benefit represents nearly six percent of its net income while Boeing's FSC benefit represents twelve percent of its earnings!

We must stop pandering to corporate interests and the wealthy. This bill does not have to be so weighted to the HMOs, drug companies, other big business, and those with upper incomes. We must help low and middle-income families obtain health care coverage and pay for prescription drugs. We can do this by enacting a responsible minimum wage bill, a targeted tax bill, and a balanced Medicare/Medicaid package. H.R. 2614 is a shameful piece of legislation that I encourage my colleagues to oppose.

It would take an hour for the Republicans to fix this bill. They know what provisions we don't want in the bill and they know which ones we want inserted. Those changes would redirect this bill to the people who need the help—Medicare beneficiaries, traditional Medicare providers who serve them, and the millions of people struggling to earn incomes that allow them to provide for their families. Vote against this bill today.

MR. CLAY. Mr. Speaker, I oppose this bill for many reasons. This bill fails to adequately address the critical need we have to renovate and modernize our public schools. It falls way short of the bipartisan Rangle/Johnson bill that would support nearly $25 billion in bonds over the next two years to help states and districts build and modernize up to 6,000 schools. It is shameful that in the era of budget surplus we cannot make a decent investment in our public school buildings. Over one-third of all schools need extensive repairs. The average school building is 42 years old. Beyond that, a record of 52.7 million children are enrolled in elementary and secondary schools, and the number will increase by almost a half of million a year. By 2003, this will mean we need to build another 2,400 schools just to keep pace with student enrollment.

This bill also drops critical Davis-Bacon wage protections contained in the bipartisan Rangle/Johnson bill. This means working families who help build the schools, and others who work in the community will be significantly shortchanged on wages and benefits. It also means that communities will be shortchanged by substandard construction of schools. This Congress should be about lifting hard-working families up in the era of prosperity, not driving wages and benefits into the ground.

I also want to note that, once again, the Majority has included a minimum wage increase in a tax bill filed with poison pills. This scheme allows the Majority to claim they're for a minimum wage increase, while knowing full well they've blocked it by combining it with a special interest tax bill that can't become law. Let's be clear what this means. Democrats in Congress are for a minimum wage increase and would take action to make it happen. Republicans in Congress want to say they're for the minimum wage increase, while actively blocking its passage.

I urge a no vote on this bill.

MR. GOODLING. Mr. Speaker, improving retirement security has been a top priority of our Committee and of this Congress. We must expand access to private pension plans and make innovations that will maximize every American's opportunity for a safe, secure retirement. We are committed to strengthening the retirement security of workers and their families by expanding private pension coverage and protecting their pensions and retirement savings.

I want to address the important pension reform provisions contained in the conference report before us. It includes 22 provisions from H.R. 1102, the Comprehensive Retirement Security and Pension Reform Act, reported out of the Education and Workforce Committee on July 14, 1999 by a bipartisan voice vote.

These reforms will directly improve the retirement security of millions of American workers by expanding small business retirement plans, allowing workers to save more, making pensions more secure, and cutting the red tape that has hamstrung employers who want to establish pension plans for their employees. The ERISA reforms include: granting relief from excessive PBGC premiums for new small business plans; accelerating the vesting of workers' accounts; repealing and modifying a wide range of unnecessary and outdated rules and regulations; providing more frequent benefits statements to workers; requiring enhanced disclosure and other protections when future pension benefits are reduced (as in the case of conversion to a cash balance plan); and repealing the so-called "full funding limit" that arbitrarily limits defined benefit plan funding to a less than actuarially sound level.

I am very pleased at the bipartisan nature of these pension provisions. The legislation reported out of our committee has a broad spectrum of support, and subcommittee chairman JOHN BOEHNER has been a leader in this Congress on pension reform. He has maintained this bipartisanship during his fine stewardship of the bill through our committee.

Pensions provide a needed backstop to our Social Security system for lower and middle-income workers—meaning the difference between retirement subsistence and real retirement security for millions. Fully 77% of current pension participants are middle and lower income workers. By taking action to expand pension availability this year, we will help those workers who are most in need of secure retirement savings.

I urge Members support for these changes that will improve the retirement years of American workers.

Strengthening our private, employer-based pension system is a critical issue for all Americans—especially the 76 million Baby Boomers who are nearing retirement age. This legislation increases retirement security for millions of Americans by strengthening that "third leg" of retirement security—our pension system. Today we take an important bipartisan step towards ensuring that American workers enjoy their golden years comfortable and secure.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and includes extraneous material on H.R. 2614.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 237, nays 174, answered "present" 1, not voting 21, as follows:

[Roll No. 560]

YEAS—237

Aderholt
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—174

Abercrombie
Ackerman
Allen
Andrews
Archer
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Berman
Berry
Blumenauer
Bonior
Borski
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans

Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shuster
Skelton
Slaughter
Smith (WA)
Snyder
Stark
Stenholm
Strickland
Stump
Stupak
Tanner
Taylor (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walden
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—21

Blagojevich
Bliley
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Franks (NJ)
Johnson, Sam
Klink
Lazio
Martinez
McCollum
McIntosh
Metcalf
Packard
Payne
Peterson (PA)
Spratt
Thompson (MS)
Waxman

□ 1722

Mr. KINGSTON and Mr. SHADEGG changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.J. Res. 116.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 646, I call up the joint resolution (H.J. Res. 116) making further continuing appropriations for fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 116 is as follows:

H.J. RES. 116

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting ''October 27, 2000''.

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a 1-day continuing resolution that would take us until midnight tomorrow night as we attempt to conclude the appropriations business.

Later this afternoon we will take up the Commerce, Justice, District of Columbia appropriations conference report. That leaves only one outstanding to be completed, and we hope to do that just as quickly as we can get together with our representatives from the President's office to come to some agreement.

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

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no choice but to vote for this CR, as the gentleman from Florida (Mr. YOUNG) indicates. Before we do, I think we need to simply take note of the fact that these continuing resolutions are supposed to enable us to get our work done so that we can finish the budget for the coming year.

I had the impression that what we were supposed to be doing during this time was to be resolving our differences so that in fact the time that we were spending would be spent in ways which would get us all home so that we could get on the campaign trail and occasionally introduce ourselves to our constituents. That would be nice.

□ 1700

The problem is that when we go through a day like we have gone through today, we simply wasted an entire day. If the idea is to go home as soon as possible, then today is a perfect example of how not to do that, because the State-Justice-Commerce appropriations bill which is about to come to the floor and the tax bill which has just left the floor are two examples of how we are farther apart from each other than we were when the day began.

All I would say is that there is no point in dragging this out. I would hope that the majority party would recognize that rather than sending bills up to the President to veto, it would be better to actually resolve the differences between us. The main issue that still remains between us is the issue of funding for education and the issue of funding especially for school modernization and school construction. I hope that the majority will recognize that we are not going to be going home until that issue is resolved in a reasonable way.

Mr. Speaker, if the gentleman wants to yield back his time, I am prepared to yield back my time.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield, I would like to yield myself 1 minute and then yield back my time if the gentleman is prepared to yield back his time.

Mr. OBEY. Mr. Speaker, if the gentleman is going to take a second kick at the cat, I will, too. It is up to him.

Mr. YOUNG of Florida. I did not have much of a first kick at the cat because there was so much noise in here I could not even hear myself and I was hoping the gentleman would conclude his remarks during that same period and then nobody would know what we said and we could pass this CR and get out of here.

Mr. OBEY. All I can say to the House is that if they have listened to him and they have listened to me, or if they have missed what either he or I said, they have not missed much.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman is ready to yield back, I am ready to yield back.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would just ask the Members to vote for this CR and let us get about the rest of the business for today.

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

The SPEAKER pro tempore (Mr. PEASE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 646, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 392, noes 10, not voting 30, as follows:

[Roll No. 561]

AYES—392

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—10

Baird
Barton
Capuano
Costello
DeFazio
Dingell
Kaptur
Miller, George
Stupak
Visclosky

NOT VOTING—30

Blagojevich
Bliley
Brady (PA)
Campbell
Chenoweth-Hage
Crowley
Danner
Fowler
Franks (NJ)
Hall (OH)
Hutchinson
Johnson, Sam
Klink
Lazio
Martinez
McCollum
McIntosh
Metcalf
Ney
Packard
Payne
Peterson (PA)
Schaffer
Spratt
Talent
Tauzin
Thompson (MS)
Waters
Waxman
Wise

□ 1750

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

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

CONFERENCE REPORT ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK. Mr. Speaker, pursuant to House Resolution 653, I call up the conference report on the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 653, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of the legislative day of Wednesday, October 25, 2000, Volume II.)

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent to yield 20 minutes to the gentleman from Kentucky (Mr. ROGERS), and ask that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 4942, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill constitutes the conference report on the annual appropriation to the District of Columbia. In addition to that conference report, which I believe has been resolved to the satisfaction of both sides of the aisle, in addition to that, the bill also includes the annual appropriations for the Commerce, Justice and State Departments. The debate on that, Mr. Speaker, will be presented by the gentleman from Kentucky (Mr. ROGERS) and persons through him, as he chairs that particular subcommittee.

But let me address myself first regarding the District of Columbia bill. I believe we have worked out something that is quite satisfactory to all persons concerned, persons in the District, persons on the other side of the aisle, persons on our side of the aisle, and I appreciate the effort that was put forth to bring people together on a bill that some people did not think we were going to be able to do. But we have.

The amount in the bill that is presented in the conference report to the House is higher than the House appropriation number when the bill left here, and lower than the Senate number. It is an appropriation of $445 million. The House had passed $414 million; the Senate passed $448 million.

I should note for the record that the bill is approximately 1.5 percent above what the appropriation was last year, but it would only be one-half of one percent, were it not for the inclusion of $6 million to help defray costs of the Presidential inauguration that will occur in January.

The bill resolves several issues that we had before. It provides full funding for the College Tuition Support Program for high school graduates from the District of Columbia. It has the full requested Federal contribution for the

new and very important New York Avenue Metro Station, which is important not only in the sense of transportation, but also as a focal point of economic development and improvement of job possibilities here in the District of Columbia.

We have appropriated $3.5 million for brownfield remediation to clean up the Poplar Point area, so it can be back to usefulness once more. We continue to have funding for environmental cleanup of the Anacostia River.

We have special appropriations for making sure that character education, values education, are included within the D.C. public schools. We have a provision that we hope will help the District to get a handle on the annual funding problems of D.C. General Hospital. Among other things, it requires the Mayor and the Council and the PBC, the Public Benefits Corporation, to make the tough decisions, that they are willing to make, of significant downsizing of their personnel so that they can get that facility out of the major, major red ink under which it has been operating.

We also have the provisions in this bill to assist in strengthening the charter schools within the District of Columbia, these being public schools, but which are operated under a charter, rather than the normal school operation. I believe the enrollment of public school students in the District of Columbia that are attending charter schools, by choice of their parents, is now up to 13 percent, Mr. Speaker. We want to make sure that they have the proper access to the same resources that other public schools do.

We could talk about other provisions that are in the bill, Mr. Speaker; and, if necessary, we can delve into them, but I recognize the main debate on this legislation is not going to be over the D.C. appropriation, which has been worked out to the satisfaction of all significant parties involved, but is going to be on the Commerce, Justice, State appropriation.

Rather than recounting more about the D.C. bill, Mr. Speaker, I will reserve the balance of my time.

Mr. Speaker, I am pleased to present to the House today the conference agreement on H.R. 4942, the District of Columbia Appropriation Act for fiscal year 2001. The conferees met on October 11th and resolved the matters in disagreement between the House and Senate bills. The conference report includes the Commerce, Justice, State and Judiciary Appropriations Act for FY 2001 and has been filed in the House. I will discuss that part of the conference report that relates to the District of Columbia. The gentleman from Kentucky (Mr. ROGERS) will discuss the Commerce, Justice, State and Judiciary items in the report.

For the District of Columbia, the conference agreement we reached with the Senate totals $445 million in Federal funds which is $31 million above the House bill and $3 million below the Senate bill. The $445 million recommended is $8 million or about one and one-half percent above last year's appropriation. Were it not for the appropriation of $6 million for the Presidential inauguration, the increase would be one-half of one percent.

Regarding the major funding issues, the conference agreement includes the requested $17 million in Federal funds for the college tuition assistance program for District residents we started last year as well as the full $25 million in Federal funds for the new Metrorail station on New York Avenue. We are able to retain in conference $112 million for the largest-ever drug testing and treatment program to crack down on the link between drugs and crime, so that DC's streets and neighborhoods will be far safer. For children, we continue the availability of $5 million in Federal funds to provide incentives to move children from foster care to adoption in safe, loving and permanent homes. We also provides $500,000 in Federal funds for the Child Advocacy Center, which cares for the young victims of abuse and neglect, and we include $500,000 for the network of satellite pediatric health clincs for children and families in underserved neighborhoods and communities in the District. We also recommend $1 million to establish a day program and comprehensive case management services for mentally retarded and multiple handicapped adolescents and adults in the District as well as $250,000 for the DC Special Olympics which we all know is a very worthy program.

A major milestone has been achieved by the public charter schools in the District. The conference agreement includes $105 million for 10,000 students for the school year that started last month. Those numbers reflect a significant increase from the $28 million and 7,000 students in public charter schools during the previous school year. This growth in public charter schools is occurring while enrollment in the traditional public schools is declining. Parents, when given the opportunity, are choosing charter schools for their children. Four years ago there were three charter schools and 300 students; this year there are 33 charter schools and 10,000 students. This remarkable growth reflects the desire and recognition by parents that their children need and deserve a better education—and they are finding it in the public charter schools.

We have all read the news stories of the mismanagement by the Public Benefit Corporation that operates D.C. General Hospital. The conference agreement allows internal transfers up to $90 million to restructure the delivery of health services in the District pursuant to a restructuring plan approved by local officials that will reduce personnel by at least 500 full-time equivalent employees without replacement by contract personnel. These problems have been going on for at least 10 years with hollow promises of corrective action by District officials. Those who need health care in the District are being ill served by a bloated and inefficient bureaucracy that local officials have been reluctant to correct. Language in the conference report requires that corrective action to be taken.

Mr. Speaker, regarding the needle exchange program, we were able to reach agreement in conference on language in section 150 of the bill to prohibit any needle exchange program within 1,000 feet of a public or private elementary or secondary school, including public charter schools. the language also requires the Public Housing Police to submit monthly reports on illegal drug activity at or near any public housing site where a needle exchange program is conducted. The District is required to take appropriate action to relocate a needle exchange program if recommended by the housing police or by a significant number of residents of the site.

The conference agreement also includes language from the House bill that prohibits the use of both local and Federal funds for abortions except to save the life of the mother or in cases of rape or incest. Another provision prohibits the use of both local and Federal funds to implement the District's ''domestic partners act''. The conference agreement also includes language prohibiting the use of both local and Federal funds for any needle exchange program or to legalize or reduce penalties associated with the possession, use, or distribution of marijuana and other controlled substances. Language in section 151 provides $100,000 in Federal funds for the Metropolitan Police Department contingent on the District enacting into law a ban on the possession of tobacco products by minors. The funds are to be used by the police to enforce the ban.

Mr. Speaker, this is a good conference agreement that will provide significant benefits to the district's citizens while at the same time protecting the Federal interest in our Nation's Capital which we are charged to do by the Constitution.

I will include a table showing the amounts recommended in the conference agreement compared with last year's enacted amount, the budget request, and the House and Senate recommendations. I will also include the fiscal year 2001 Financial Plan which is the starting point for the independent auditor's comparison with actual year-end results as required by section 132 of this bill.

In closing, I want to thank all of our Members for their hard work and their contributions to this bill. The gentleman from Virginia, Mr. MORAN, is the ranking Member and I appreciate his assistance. I especially want to thank our full Committee chairman, the gentlemen from Florida, Mr. YOUNG, for his support and for his sage advice and counsel. The staff has done an outstanding job: John Albaugh, Chris Stanley and Micah Swafford of my staff; and from the Committee staff, Migo Miconi and Mary Porter. They really do a great job. Mary Porter has been doing this for 40 years—hard to imagine. I also want to thank the minority staff—Tom Forhan and Tim Aiken.

Mr. Speaker, this is a good conference report and I urge its adoption.

DISTRICT OF COLUMBIA, 2001

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
FEDERAL FUNDS						
Federal payment for Resident Tuition Support	17,000	17,000	14,000	17,000	17,000	.....
Federal Payment to the Chief Financial Office of the District of Columbia	.....	.....	1,500	.....	1,250	+1,250
Federal payment for Incentives for Adoption of Children	5,000	5,000	.....	.....	.....	-5,000
Federal payment for Commercial Revitalization program	.....	.....	.....	1,500	1,500	+1,500
Federal payment to DCPS	.....	.....	.....	500	500	+500
Federal payment for Metropolitan Police Department	1,000	.....	.....	.....	100	-900
Federal payment to the Citizen Complaint Review Board	500	.....	.....	.....	.....	-500
Contribution to Covenant House Washington	250	.....	.....	500	500	+250
Federal payment to the District of Columbia Corrections Trustee Operations	176,000	134,300	134,300	134,200	134,200	-41,800
Federal payment to the District of Columbia Courts	99,714	103,000	99,500	109,080	105,000	+5,286
Defender Services in District of Columbia Courts	33,336	38,387	34,387	38,387	34,387	+1,051
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	93,800	103,527	115,752	112,527	112,527	+18,727
Federal payment of Washington Interfaith Network	.....	.....	1,000	.....	1,000	+1,000
Federal payment for Plan to Simplify Employee Compensation Systems	.....	.....	250	.....	250	+250
Metrorail construction	.....	25,000	7,100	25,000	25,000	+25,000
(By transfer)	.....	.....	(17,900)	.....	.....	.....
Federal payment for the National Museum of American Music	.....	3,000	250	.....	.....	.....
Federal payment for Brownfield remediation	.....	10,000	.....	3,450	3,450	+3,450
Presidential Inauguration	.....	6,211	5,961	6,211	5,961	+5,961
Children's National Medical Center	2,500	.....	.....	.....	500	-2,000
Child Advocacy Center	.....	.....	.....	.....	500	+500
St. Coletta of Greater Washington Expansion Project	.....	.....	.....	.....	1,000	+1,000
District of Columbia Special Olympics	.....	.....	.....	.....	250	+250
Federal Contribution for Enforcement of Law Banning Possession of Tobacco Products by Minors (Sec. 151)	.....	.....	.....	.....	100	+100
Federal payment to the General Services Administration (Lorton Correctional Complex)	6,700	.....	.....	.....	.....	-6,700
Federal payment to the Georgetown Waterfront Park Fund	1,000	.....	.....	.....	.....	-1,000
Total, Federal funds to the District of Columbia	436,800	445,425	414,000	448,355	444,975	+8,175
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
District of Columbia Financial Responsibility and Management Assistance Authority	(3,140)	(6,500)	(3,140)	(6,500)	(3,140)	.....
Governmental direction and support	(167,356)	(197,771)	(194,521)	(194,271)	(195,771)	(+28,415)
Economic development and regulation	(190,335)	(205,638)	(205,638)	(205,638)	(205,638)	(+15,303)
Public safety and justice	(778,770)	(762,346)	(762,346)	(762,346)	(762,546)	(-16,224)
Public education system	(867,411)	(998,418)	(995,418)	(998,918)	(998,918)	(+131,507)
Human support services	(1,526,361)	(1,542,204)	(1,532,204)	(1,532,704)	(1,535,654)	(+9,293)
Public works	(271,395)	(278,242)	(278,242)	(278,242)	(278,242)	(+6,847)
Receivership Programs	(342,077)	(394,528)	(389,528)	(389,528)	(389,528)	(+47,451)
Reserve	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	.....
Repayment of Loans and Interest	(328,417)	(243,238)	(243,238)	(243,238)	(243,238)	(-85,179)
Repayment of General Fund Recovery Debt	(38,286)	(39,300)	(39,300)	(39,300)	(39,300)	(+1,014)
Payment of Interest on Short-Term Borrowing	(9,000)	(1,140)	(1,140)	(1,140)	(1,140)	(-7,860)
Presidential Inauguration	.....	(6,211)	(5,961)	(6,211)	(5,961)	(+5,961)
Certificates of Paticipation	(7,950)	(7,950)	(7,950)	(7,950)	(7,950)	.....
Wilson Building	.....	(8,409)	(8,409)	(8,409)	(8,409)	(+8,409)
Optical and Dental Insurance Payments	(1,295)	(2,675)	(2,675)	(2,675)	(2,675)	(+1,380)
Management Supervisory Services	.....	(13,200)	(13,200)	(13,200)	(13,200)	(+13,200)
Tobacco Settlement Trust Fund Transfer Payment	.....	(61,406)	(61,406)	(61,406)	(61,406)	(+61,406)
Operational Improvements Savings (including Managed Competition)	.....	(-10,000)	(-10,000)	(-10,000)	(-10,000)	(-10,000)
Management Reform Savings	(-7,000)	(-37,000)	(-37,000)	(-37,000)	(-37,000)	(-30,000)
Cafeteria Plan Savings	.....	(-5,000)	(-5,000)	(-5,000)	(-5,000)	(-5,000)
Productivity Bank	(18,000)	.....	.....	.....	.....	(-18,000)
Productivity Savings	(-18,000)	.....	.....	.....	.....	(+18,000)
General Supply Schedule Savings	(-14,457)	.....	.....	.....	.....	(+14,457)
Workforce Investments	(8,500)	.....	.....	.....	.....	(-8,500)
Buyouts and Management Reforms	(18,000)	.....	.....	.....	.....	(-18,000)
Total, operating expenses, general fund	(4,686,836)	(4,867,176)	(4,842,316)	(4,849,676)	(4,850,716)	(+163,880)
Enterprise Funds						
Water and Sewer Authority and the Washington Aqueduct	(279,608)	(275,705)	(275,705)	(275,705)	(275,705)	(-3,903)
Lottery and Charitable Games Control Board	(234,400)	(223,200)	(223,200)	(223,200)	(223,200)	(-11,200)
Sports and Entertainment Commission	(10,846)	(10,968)	(10,968)	(10,968)	(10,968)	(+122)
Public Benefit Corporation	(89,008)	(78,235)	(78,235)	(78,235)	(78,235)	(-10,773)
D.C. Retirement Board	(9,892)	(11,414)	(11,414)	(11,414)	(11,414)	(+1,522)
Correctional Industries Fund	(1,810)	(1,808)	(1,808)	(1,808)	(1,808)	(-2)
Washington Convention Center	(50,226)	(52,726)	(52,726)	(52,726)	(52,726)	(+2,500)
Total, Enterprise Funds	(675,790)	(654,056)	(654,056)	(654,056)	(654,056)	(-21,734)
Total, operating expenses	(5,362,626)	(5,521,232)	(5,496,372)	(5,503,732)	(5,504,772)	(+142,146)

DISTRICT OF COLUMBIA, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Capital Outlay						
General fund	(1,218,638)	(1,029,975)	(1,022,074)	(1,022,074)	(1,022,074)	(-196,564)
Water and Sewer Fund	(197,169)	(140,725)	(140,725)	(140,725)	(140,725)	(-56,444)
Total, Capital Outlay	(1,415,807)	(1,170,700)	(1,162,799)	(1,162,799)	(1,162,799)	(-253,008)
Total, District of Columbia funds	(6,778,433)	(6,691,932)	(6,659,171)	(6,666,531)	(6,667,571)	(-110,862)
Total:						
Federal Funds to the District of Columbia	436,800	445,425	414,000	448,355	444,975	+8,175
District of Columbia funds	(6,778,433)	(6,691,932)	(6,659,171)	(6,666,531)	(6,667,571)	(-110,862)

FISCAL YEAR 2001 FINANCIAL PLANS

[In thousands of dollars]

	Local funds	Grants and other revenue	Gross funds
Revenue			
Local sources, current authority:			
Property taxes	644,360	0	644,360
Sales taxes	651,230	0	651,230
Income taxes	1,291,179	0	1,291,179
Gross receipts and other taxes	331,659	0	331,659
Licenses, permits	37,095	0	37,095
Fines, forfeitures	67,716	0	67,716
Service charges	61,528	0	61,528
Miscellaneous	71,033	294,066	365,099
Subtotal, local revenues	3,155,800	294,066	3,449,866
Federal sources:			
Federal payment	30,111	0	30,111
Grants	0	1,305,867	1,305,867
Subtotal, Federal sources	30,111	1,305,867	1,335,978
Other financing sources:			
Lottery transfer	69,000	0	69,000
Total, general fund revenues	3,254,911	1,599,933	4,854,844
Expenditures			
Current operating:			
D.C. Financing Responsibility and Management Assistance Authority	0	3,140	3,140
Governmental Direction and Support	162,172	33,599	195,771
Economic Development and Regulation	53,562	152,076	205,638
Public Safety and Justice	591,565	170,981	762,546
Public Education System	824,867	174,051	998,918
Human Support Services	637,347	898,307	1,535,654
Public Works	265,078	13,164	278,242
Receivership Programs	234,913	154,615	389,528
Reserve	150,000	0	150,000
Repayment of Loans and Interest	243,238	0	243,238
Repayment of General Fund Recovery Debt	39,300	0	39,300
Payment of Interest on Short-Term Borrowing	1,140	0	1,140
Presidential Inauguration	5,961	0	5,961
Certificates of Participation	7,950	0	7,950
Wilson Building	8,409	0	8,409
Optical and Dental Insurance Payments	2,675	0	2,675
Management Supervisory Services	13,200	0	13,200
Tobacco Settlement Trust Fund Transfer Payment	61,406	0	61,406
Operational Improvement Savings (Including Managed Competition)	(10,000)	0	(10,000)
Management Reform Savings	(37,000)	0	(37,000)
Cafeteria Plan Savings	(5,000)	0	(5,000)
Total, general fund expenditures	3,250,783	1,599,933	4,850,716
Surplus/(Deficit)	4,128	0	4,128
Enterprise fund data			
Enterprise fund revenues:			
Water and Sewer Authority	0	230,614	230,614
Washington Aqueduct	0	45,091	45,091
D.C. Lottery and Charitable Games Control Board	0	223,200	223,200
D.C. Sports and Entertainment Commission	0	10,968	10,968
District of Columbia Health and Hospital Public Benefit Corporation	0	78,235	78,235
District of Columbia Retirement Board	0	11,414	11,414
Correctional Industries Fund	0	1,808	1,808
Washington Convention Center Authority	0	52,726	52,726
Total, enterprise fund revenues	0	654,056	654,056
Enterprise fund expenditures:			
Water and Sewer Authority	0	230,614	230,614
Washington Aqueduct	0	45,091	45,091
D.C. Lottery and Charitable Games Control Board	0	223,200	223,200
D.C. Sports and Entertainment Commission	0	10,968	10,968
District of Columbia Health and Hospital Public Benefit Corporation	0	78,235	78,235
District of Columbia Retirement Board	0	11,414	11,414
Correctional Industries Fund	0	1,808	1,808
Washington Convention Center Authority	0	52,726	52,726
Total, enterprise expenditures	0	654,056	654,056
Surplus/(Deficit)	0	0	0
Total, operating revenues	3,254,911	2,253,989	5,508,900
Total, operating expenditures	3,250,783	2,253,989	5,504,772
Revenues versus expendtiures	4,128	0	4,128

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

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, the gentleman from Oklahoma is absolutely correct. We have worked out the D.C. bill. It is done, and I give credit to the gentleman from Oklahoma, to the members of the subcommittee on both sides of the aisle, and in the Senate as well. In fact, I am not even going to mention the topic of any of these issues that have perennially been so divisive on the floor of the House. We have a good bill, a good D.C. bill.

We had, though, a good news-bad news conversation to relate to the democratically elected delegate-representative from the District of Columbia today. The good news was that, finally, after the fiscal year had begun, the District of Columbia bill, the conference agreement, was unanimously agreed to; it was going to go to the President.

□ 1800

Great news. We have been waiting for this for over a year. The bad news is that the D.C. bill is being attached to the Commerce, Justice, State bill, which is going to be vetoed. That is very unfortunate. We feel that D.C. deserves to go on its own accord.

If it was to go to the White House today, it would be signed tonight; done deal; no controversy. But, instead, we are dumping a bill on it whose veto message we are already in possession

of. The President of the United States has told us he is going to veto this bill.

Mr. Speaker, the President has told us that there are a number of reasons why he is going to veto the Commerce, Justice, State bill. He is going to veto it because it prevents the Justice Department from being able to pursue litigation against tobacco companies, tobacco companies whose product has resulted in the loss of billions of dollars to the Medicare and Medicaid program.

Secondly, the President says that it fails to include hate crimes legislation.

Thirdly, it does not address in a meaningful way privacy concerns with regard to Social Security numbers.

Fourthly, it contains a range of antienvironmental, anticompetitive damaging riders.

Lastly, perhaps, most importantly, I think most importantly, it fails to redress several injustices in our immigration system.

Mr. Speaker, there is a Latino and Immigrant Fairness Act, which has been before us for some time. There is a compelling justification for this legislation. These are people who have been working hard, paying taxes, contributing to our community and, particularly, to our economy for over 15 years. They have a deep abiding faith in our system.

The gentlewoman from California (Ms. ROYBAL-ALLARD) will explain why a labyrinthine legislative process has left them in limbo for too many years. It is unfair to their families. It is unfair to the communities that they are part of it. It needs to be redressed.

We need to take care of it, which should be part of this legislation. That is why we oppose it.

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

Mr. ROGERS. Mr. Speaker, I yield myself 7 minutes.

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

Mr. ROGERS. Mr. Speaker, this conference report contains the agreement between the House and Senate on the Commerce, Justice, State and Judiciary Appropriations bill.

The agreement we are bringing before the House is the result of a long and arduous process of negotiations with the other body and the administration. It is a sound compromise that represents the interests of both bodies, and we think the administration—and I hope the House will endorse it by its vote today.

Before explaining this agreement, Mr. Speaker, I want to thank all of the members of the subcommittee for their hard work, their contributions, their patience, as we have moved this bill through the House and then negotiated with the other body and the White House.

I also want to thank our full committee chairman, the gentleman from Florida (Mr. YOUNG), for his steadfast support and leadership and the gentleman from Wisconsin (Mr. OBEY), the ranking minority member of our full committee, for his cooperation and assistance on a number of issues that required long and repeated negotiations.

Mr. Speaker, I especially want to thank the gentleman from New York (Mr. SERRANO), my ranking member, who has done an excellent job and whose friendship I appreciate greatly.

Mr. Speaker, finally, I want to thank the tireless work of our staff on both sides of the aisle without whom this product would not be before us now. They put in enormously long hours. They were here all night, Mr. Speaker, and into this morning; and they have done an excellent job. On the majority side, Gail DelBalzo, Jennifer Miller, Mike Ringler, Christine Ryan, John Martens, Kevin Fromer, Greg Laux, and our committee staff director, Jim Dyer. On the minority side, Sally Chadbourne, Lucy Hand, Pat Schlueter, Nadine Berg, and Scott Lilly.

Mr. Speaker, this conference agreement provides a total of $37.5 billion for the agencies and programs in our jurisdiction. That is below the President's request for this year, and it is below last year's level.

At the same time, we have provided for the critical needs of law enforcement, diplomatic security, trade and export promotion, small business assistance and other very important programs.

For law enforcement, we were able to reverse a number of very significant reductions made by the other body in its version of the bill, restoring critical funding for the FBI, the DEA, the U.S. attorneys and the INS.

The agreement also provides new program increases for a number of high-priority law enforcement initiatives for the FBI and U.S. attorneys. The bill provides additional resources for the prosecution of violations of gun laws, cybercrime and terrorism.

Mr. Speaker, we provide new funding for DEA to address the war on drugs.

We beef up programs to address the threat of domestic terrorism, including a $69 million increase to train and equip State and local first responders so they are prepared for incidents, if, and when, they should occur.

At the INS, we provided increases totalling over $500 million for additional border patrol agents, increased the detention space to hold criminal aliens, and for Interior enforcement personnel.

This includes over $1 billion for the processing of immigration benefit applications. That is a 16 percent increase over last year and $70 million for this purpose, more than the President, himself, requested.

This bill in an unprecedented way will help solve the backlog and applications for citizenship and other immigration benefits at the INS.

To help your State and local police and sheriffs fight the war on crime, we were able to maintain the Local Law Enforcement Block Grant and Juvenile Accountability Block Grant, the Byrne Formula Grant Program and the Truth In Sentencing State Prison Grant programs.

Mr. Speaker, for the COPS program, the agreement provides $1.03 billion, a major increase from the $595 million in the House bill. Funds are included to continue established programs such as the COPS hiring program, law enforcement technologies, bulletproof vests, and methamphetamine lab cleanup.

Within the COPS program, we have also included money for new initiatives to prosecute cases involving violent crimes committed with guns and violations of gun statutes in cases involving drug trafficking and gang-related crime.

We establish offender reentry programs and provide funds to support police integrity training.

All in all, this agreement goes beyond the call of duty in making sure that Federal, State, and local law enforcement agencies have every penny needed to battle crime, drugs, illegal immigration and the wave of emerging threats to our domestic national security.

Mr. Speaker, for the Department of Commerce, we preserve the critical functions of the National Weather Service, provide increases for our national trade protection and promotion programs, and we fund the completion of the decennial census.

Within NOAA, the agreement continues important coastal ocean and fish habitat protection programs, including implementation of the Pacific Salmon Treaty and grants to the affected States. After long negotiations, we include a total of $618 million for a number of programs related to the CARA agreement on the Interior appropriations bill.

For our Federal courts system, we provide necessary funding to address its ever-increasing caseload. The agreement authorizes, consistent with past practices, cost-of-living adjustments for judges and provides a new increase in the hourly rate we pay court-appointed panel attorneys who represent indigent defendants.

For the State Department, we provided funding above the requested level to ensure the safety and security of our people overseas, including monies needed to replace our most vulnerable embassies.

Finally, we provide ample support for the work of a number of independent agencies: the FCC, Securities and Exchange Commission, FTC, Legal Services Corporation, SBA, and so on.

Mr. Speaker, we were faced with major differences between the House and Senate bills, and we spent an enormous amount of time in trying to craft a compromise that is fair, fiscally responsible and responsive to the needs of our Members and the people they represent back home.

We have come a long way. We have an agreement that can and should be adopted, in my judgment, by the two

bodies and signed into law. Mr. Speaker, I urge support for the conference report.

The conference report contains a provision (Section 629) which clarifies that the Interstate Horseracing Act permits the continued merging of any wagering pools and wagering activities conducted between individuals and state-licensed and regulated off-track betting systems located in one or more states, whether such wagers are conducted in person, via telephone or other electronic media, provided such wagers are placed on a closed-loop subscriber-based service, which would include an effective customer and age verification process to ensure that all federal and state requirements and appropriate data security standards are met to prevent unauthorized use by a minor or non-subscriber. The amendment clarifies that the Interstate Horseracing Act permits wagers made by telephone or other electronic media to be accepted by an off-track betting system in another state provided that such types of wagers are lawful in each state involved and meet the requirements, if any, established by the legislature or appropriate regulatory body in the state where the person originating the wager resides.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690)

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	79,328	91,553	84,177	83,713	88,713	+9,385
Joint automated booking system	1,800	1,800	1,800	15,915	15,915	+14,115
Public key infrastructure	.....	4,376	.....	.....	.....	.....
Narrowband communications	10,625	188,000	95,445	205,000	205,000	+194,375
(By transfer)	(92,545)	.....	.....	.....	.....	(-92,545)
Counterterrorism fund	10,000	10,000	10,000	5,000	5,000	-5,000
Telecommunications carrier compliance fund	7,000	105,000	136,771	.....	100,710	+93,710
Defense function	8,000	.....	141,250	.....	100,710	+92,710
Administrative review and appeals:						
Direct appropriation	98,136	164,549	159,570	112,814	161,062	+62,926
Crime trust fund	50,363	.....	.....	.....	.....	-50,363
Total, Administrative review and appeals	148,499	164,549	159,570	112,814	161,062	+12,563
Detention trustee	.....	26,000	1,000	.....	1,000	+1,000
Office of Inspector General	40,275	42,192	41,825	42,192	41,575	+1,300
Total, General administration	305,527	633,470	671,838	464,634	719,685	+414,158
Appropriations	(255,164)	(633,470)	(671,838)	(464,634)	(719,685)	(+464,521)
Crime trust fund	(50,363)	.....	.....	.....	.....	(-50,363)
United States Parole Commission						
Salaries and expenses	8,527	9,183	8,855	7,380	8,855	+328
Legal Activities						
General legal activities:						
Direct appropriation	357,016	553,235	523,228	494,310	535,771	+178,755
Crime trust fund	147,929	.....	.....	.....	.....	-147,929
Total, General legal activities	504,945	553,235	523,228	494,310	535,771	+30,826
Vaccine injury compensation trust fund (permanent)	4,028	4,028	4,028	4,028	4,028	.....
Antitrust Division	110,000	134,000	113,269	120,838	120,838	+10,838
Offsetting fee collections - carryover	-28,150	-29,034	-36,098	-25,000	-25,000	+3,150
Offsetting fee collections - current year	-81,850	-104,966	-77,171	-95,838	-95,838	-13,988
Direct appropriation	.....	.....	.....	.....	.....	.....
United States Attorneys:						
Direct appropriation	1,161,957	1,292,633	1,247,416	1,159,014	1,250,382	+88,425
United States Trustee System Fund:						
Current year fee funding	106,775	127,202	126,242	127,212	125,997	+19,222
Fees and interest (legislative proposal)	6,000	.....	.....	.....	.....	-6,000
Total, United States trustee system fund	112,775	127,202	126,242	127,212	125,997	+13,222
Offsetting fee collections	-106,775	-121,202	-120,242	-121,212	-119,997	-13,222
Offsetting fee collections - legis. proposal	-6,000	.....	.....	.....	.....	+6,000
Interest on U.S. securities	.....	-6,000	-6,000	-6,000	-6,000	-6,000
Total, US trustee offsetting fee collections	-112,775	-127,202	-126,242	-127,212	-125,997	-13,222
Foreign Claims Settlement Commission	1,175	1,214	1,000	1,214	1,107	-68
United States Marshals Service:						
Direct appropriation	333,745	586,469	560,438	550,472	572,695	+238,950
Crime trust fund	209,620	.....	.....	.....	.....	-209,620
Construction	6,000	6,378	6,000	25,100	18,128	+12,128
Justice prisoner and alien transportation system fund	.....	.....	.....	97,855	13,500	+13,500
Total, United States Marshals Service	549,365	592,847	566,438	673,427	604,323	+54,958
Federal prisoner detention	525,000	597,402	597,402	539,022	597,402	+72,402
Fees and expenses of witnesses	95,000	156,145	95,000	156,145	125,573	+30,573
Community Relations Service	7,199	9,829	7,479	8,475	8,475	+1,276
Assets forfeiture fund	23,000	23,000	.....	23,000	23,000	.....
Total, Legal activities	2,871,669	3,230,333	3,041,991	3,058,635	3,150,061	+278,392
Appropriations	(2,514,120)	(3,230,333)	(3,041,991)	(3,058,635)	(3,150,061)	(+635,941)
Crime trust fund	(357,549)	.....	.....	.....	.....	(-357,549)
Radiation Exposure Compensation						
Administrative expenses	2,000	2,000	2,000	2,000	2,000	.....
Payment to radiation exposure compensation trust fund	3,200	13,727	3,200	14,400	10,800	+7,600
Total, Radiation Exposure Compensation	5,200	15,727	5,200	16,400	12,800	+7,600

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Interagency Law Enforcement						
Interagency crime and drug enforcement	316,792	328,898	328,898	316,792	325,898	+9,106
Federal Bureau of Investigation						
Salaries and expenses	2,044,542	2,977,089	3,070,282	2,676,931	2,797,950	+753,408
Counterintelligence and national security	292,473	326,779	159,223	400,650	437,650	+145,177
Direct appropriation	2,337,015	3,303,868	3,229,505	3,077,581	3,235,600	+898,585
Crime trust fund	752,853	.....	.....	.....	.....	-752,853
Subtotal, Salaries and expenses	3,089,868	3,303,868	3,229,505	3,077,581	3,235,600	+145,732
Construction	1,287	3,187	1,287	42,687	16,687	+15,400
Total, Federal Bureau of Investigation	3,091,155	3,307,055	3,230,792	3,120,268	3,252,287	+161,132
Appropriations	(2,338,302)	(3,307,055)	(3,230,792)	(3,120,268)	(3,252,287)	(+913,985)
Crime trust fund	(752,853)	.....	.....	.....	.....	(-752,853)
Drug Enforcement Administration						
Salaries and expenses	1,013,330	1,451,309	1,445,852	1,429,198	1,446,852	+433,522
Diversion control fund	-80,330	-83,543	-83,543	-83,543	-83,543	-3,213
Direct appropriation	933,000	1,367,766	1,362,309	1,345,655	1,363,309	+430,309
Crime trust fund	343,250	.....	.....	.....	.....	-343,250
Subtotal, Salaries and expenses	1,276,250	1,367,766	1,362,309	1,345,655	1,363,309	+87,059
Construction	5,500	5,500	5,500	.....	.....	-5,500
Total, Drug Enforcement Administration	1,281,750	1,373,266	1,367,809	1,345,655	1,363,309	+81,559
Appropriations	(938,500)	(1,373,266)	(1,367,809)	(1,345,655)	(1,363,309)	(+424,809)
Crime trust fund	(343,250)	.....	.....	.....	.....	(-343,250)
Immigration and Naturalization Service						
Salaries and expenses	1,642,440	3,159,138	3,121,213	2,895,397	3,125,876	+1,483,436
Enforcement and border affairs	(1,107,429)	(2,619,748)	(2,547,899)	.....	(2,547,057)	(+1,439,628)
Citizenship and benefits, immigration support and program direction	(535,011)	(539,390)	(573,314)	.....	(578,819)	(+43,808)
Crime trust fund	1,267,225	.....	.....	.....	.....	-1,267,225
Subtotal, Direct and crime trust fund	2,909,665	3,159,138	3,121,213	2,895,397	3,125,876	+216,211
Fee accounts:						
Immigration user fee	(446,151)	(529,103)	(478,879)	(494,384)	(494,384)	(+48,233)
Land border inspection fund	(1,548)	(1,641)	(1,641)	(1,670)	(1,670)	(+122)
Immigration examinations fund	(708,500)	(899,817)	(874,717)	(891,017)	(969,851)	(+261,351)
Breached bond fund	(110,423)	(110,134)	(80,600)	(130,634)	(80,600)	(-29,823)
Immigration enforcement fines	(1,850)	(1,850)	(1,850)	(5,593)	(1,850)	.....
H-1b Visa fees	(1,125)	(1,125)	(1,125)	(1,473)	(1,125)	.....
Subtotal, Fee accounts	(1,269,597)	(1,543,670)	(1,438,812)	(1,524,771)	(1,549,480)	(+279,883)
Construction	99,664	111,135	110,664	133,302	133,302	+33,638
Immigration services capital investment	.....	34,800	.....	.....	.....	.....
Total, Immigration and Naturalization Service	(4,278,926)	(4,848,743)	(4,670,689)	(4,553,470)	(4,808,658)	(+529,732)
Appropriations	(1,742,104)	(3,305,073)	(3,231,877)	(3,028,699)	(3,259,178)	(+1,517,074)
Crime trust fund	(1,267,225)	.....	.....	.....	.....	(-1,267,225)
(Fee accounts)	(1,269,597)	(1,543,670)	(1,438,812)	(1,524,771)	(1,549,480)	(+279,883)
Federal Prison System						
Salaries and expenses	3,179,110	3,545,769	3,500,596	3,573,729	3,507,889	+328,779
Prior year carryover	-90,000	.....	-70,000	.....	-31,000	+59,000
Direct appropriation	3,089,110	3,545,769	3,430,596	3,573,729	3,476,889	+387,779
Crime trust fund	22,524	.....	.....	.....	.....	-22,524
Subtotal, Salaries and expenses	3,111,634	3,545,769	3,430,596	3,573,729	3,476,889	+365,255
Buildings and facilities	556,791	835,660	835,660	724,389	835,660	+278,869
Advance appropriations, FY 2002 - 2003	.....	1,326,000	.....	.....	.....	.....
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,429	3,429	3,429	3,429	3,429	.....
Total, Federal Prison System	3,671,854	5,710,858	4,269,685	4,301,547	4,315,978	+644,124
Appropriations	(3,649,330)	(4,384,858)	(4,269,685)	(4,301,547)	(4,315,978)	(+666,648)
Advance appropriations	.....	(1,326,000)	.....	.....	.....	.....

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Office of Justice Programs						
Justice assistance	307,611	371,260	307,611	426,403	418,219	+110,608
(By transfer)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	.....
State and local law enforcement assistance:						
Direct appropriations:						
Local law enforcement block grant	523,000	.....	523,000	400,000	523,000	.....
Boys and Girls clubs (earmark)	(50,000)	.....	(50,000)	(70,000)	(60,000)	(+10,000)
State prison grants	686,500	75,000	686,500	76,000	686,500	.....
State criminal alien assistance program	420,000	600,000	420,000	50,000	400,000	-20,000
Indian tribal courts program	5,000	15,000	.....	5,000	8,000	+3,000
Drug interdiction	.....	75,000	.....	.....	.....	.....
Indian grants	.....	21,000	.....	.....	5,000	+5,000
Byrne grants (formula)	.....	400,000	500,000	400,000	500,000	+500,000
Byrne grants (discretionary)	.....	59,500	52,000	52,000	69,050	+69,050
Juvenile crime block grant	.....	.....	250,000	100,000	250,000	+250,000
Drug courts	.....	50,000	40,000	40,000	50,000	+50,000
Violence Against Women grants	.....	296,000	283,750	284,854	288,679	+288,679
State prison drug treatment	.....	65,000	63,000	63,000	63,000	+63,000
Other crime control programs	.....	5,700	5,700	4,400	5,700	+5,700
Subtotal, Direct appropriations	1,634,500	1,662,200	2,823,950	1,475,254	2,848,929	+1,214,429
Crime trust fund:						
Byrne grants (formula)	500,000	.....	.....	.....	.....	-500,000
Byrne grants (discretionary)	52,000	.....	.....	.....	.....	-52,000
Juvenile crime block grant	250,000	.....	.....	.....	.....	-250,000
Drug courts	40,000	.....	.....	.....	.....	-40,000
Violence Against Women grants	283,750	.....	.....	.....	.....	-283,750
State prison drug treatment	63,000	.....	.....	.....	.....	-63,000
Other crime control programs	5,700	.....	.....	.....	.....	-5,700
Subtotal, Crime trust fund	1,194,450	.....	.....	.....	.....	-1,194,450
Total, State and local law enforcement	2,828,950	1,662,200	2,823,950	1,475,254	2,848,929	+19,979
Weed and seed program fund	33,500	42,000	33,500	40,000	34,000	+500
Community oriented policing services:						
Direct appropriations:						
Public safety and community policing grants	344,500	614,000	389,500	510,500	535,000	+190,500
Management administration	29,825	36,000	29,825	29,825	31,825	+2,000
Crime identification technology	130,000	350,000	130,000	130,000	130,000	.....
Safe schools initiative	(15,000)	.....	.....	(15,000)	(17,500)	(+2,500)
Upgrade criminal history records	(35,000)	(70,000)	.....	(33,000)	(35,000)	.....
DNA identification/crime lab	(30,000)	(50,000)	.....	(30,000)	(30,000)	.....
Methamphetamine	35,675	.....	45,675	41,700	48,500	+12,825
Community prosecutors	10,000	200,000	.....	.....	100,000	+90,000
Crime prevention	.....	135,000	.....	.....	47,000	+47,000
COPS technology	.....	.....	.....	100,000	140,000	+140,000
Subtotal, Direct appropriations	550,000	1,335,000	595,000	812,025	1,032,325	+482,325
Crime trust fund:						
Hiring program	45,000	.....	.....	.....	.....	-45,000
Total, Community oriented policing services	595,000	1,335,000	595,000	812,025	1,032,325	+437,325
Juvenile justice programs	287,097	289,000	287,097	279,697	298,597	+11,500
Public safety officers benefits program:						
Death benefits	32,541	33,224	33,224	33,224	33,224	+683
Federal law enforcement dependents assistance	.....	4,800	.....	.....	.....	.....
Disability benefits	.....	.....	.....	.....	2,400	+2,400
Total, Public safety officers benefits program	32,541	38,024	33,224	33,224	35,624	+3,083
Total, Office of Justice Programs	4,084,699	3,737,484	4,080,382	3,066,603	4,667,694	+582,995
Appropriations	(2,845,249)	(3,737,484)	(4,080,382)	(3,066,603)	(4,667,694)	(+1,822,445)
Crime trust fund	(1,239,450)	.....	.....	.....	.....	(-1,239,450)
Total, title I, Department of Justice	18,646,502	21,651,347	20,237,327	18,726,613	21,075,745	+2,429,243
Appropriations	(14,613,288)	(20,325,347)	(20,237,327)	(18,726,613)	(21,075,745)	(+6,462,457)
Crime trust fund	(4,033,214)	.....	.....	.....	.....	(-4,033,214)
Advance appropriations	.....	(1,326,000)	.....	.....	.....	.....
(By transfer)	(99,545)	(7,000)	(7,000)	(7,000)	(7,000)	(-92,545)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	25,635	29,600	29,433	29,600	29,517	+3,882
International Trade Commission						
Salaries and expenses	44,495	49,100	46,995	49,100	48,100	+3,605
Total, Related agencies	70,130	78,700	76,428	78,700	77,617	+7,487
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	311,503	355,147	321,448	318,686	337,444	+25,941
Offsetting fee collections	-3,000	-3,000	-3,000	-3,000	-3,000	.....
Direct appropriation	308,503	352,147	318,448	315,686	334,444	+25,941
Export Administration						
Operations and administration	52,161	66,416	51,963	56,787	57,604	+5,443
CWC enforcement	1,877	5,138	1,870	4,250	7,250	+5,373
Total, Export Administration	54,038	71,554	53,833	61,037	64,854	+10,816
Economic Development Administration						
Economic development assistance programs	361,879	407,750	361,879	218,000	411,879	+50,000
Salaries and expenses	26,500	29,188	26,499	31,542	28,000	+1,500
Total, Economic Development Administration	388,379	436,938	388,378	249,542	439,879	+51,500
Minority Business Development Agency						
Minority business development	27,314	28,156	27,314	27,000	27,314	.....
Total, Trade and Infrastructure Development	848,364	967,495	864,401	731,965	944,108	+95,744
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	49,499	54,713	49,499	53,992	53,745	+4,246
Bureau of the Census						
Salaries and expenses	140,000	173,826	140,000	158,386	157,227	+17,227
Periodic censuses and programs	142,320	545,379	530,867	535,224	276,406	+134,086
Emergency appropriations	4,476,253	.....	.....	.....	.....	-4,476,253
Total, Bureau of the Census	4,758,573	719,205	670,867	693,610	433,633	-4,324,940
National Telecommunications and Information Administration						
Salaries and expenses	10,975	20,315	10,975	11,437	11,437	+462
Public telecommunications facilities, planning and construction	26,500	110,075	31,000	50,000	43,500	+17,000
Advance appropriations, FY 2002 - 2003	.....	197,500	.....	.....	.....	.....
Information infrastructure grants	15,500	45,119	15,500	15,500	45,500	+30,000
Home internet access	.....	50,000	.....	.....	.....	.....
Total, National Telecommunications and Information Administration	52,975	423,009	57,475	76,937	100,437	+47,462
Appropriations	(52,975)	(225,509)	(57,475)	(76,937)	(100,437)	(+47,462)
Advance appropriations	.....	(197,500)	.....	.....	.....	.....
Patent and Trademark Office						
Current year fee funding	755,000	783,843	650,035	783,843	783,843	+28,843
(Prior year carryover)	(116,000)	(254,889)	(254,889)	(254,889)	(254,889)	(+138,889)
Total, Patent and Trademark Office	(871,000)	(1,038,732)	(904,924)	(1,038,732)	(1,038,732)	(+167,732)
Offsetting fee collections	-785,976	-783,843	-650,035	-783,843	-783,843	+2,133
Total, Economic and Information Infrastructure	4,830,071	1,196,927	777,841	824,539	587,815	-4,242,256
Appropriations	(353,818)	(999,427)	(777,841)	(824,539)	(587,815)	(+233,997)
Advance appropriations	.....	(197,500)	.....	.....	.....	.....

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
SCIENCE AND TECHNOLOGY						
Technology Administration						
Under Secretary for Technology/ Office of Technology Policy						
Salaries and expenses	7,972	8,716	7,945	8,216	8,080	+108
National Institute of Standards and Technology						
Scientific and technical research and services	283,132	337,508	292,056	305,003	312,617	+29,485
Industrial technology services	247,436	339,604	104,836	262,737	250,837	+3,401
Construction of research facilities	108,414	35,879	26,000	28,879	34,879	-73,535
Working capital fund (by transfer)	.....	(6,300)	.....	(6,200)	.....	.....
Total, National Institute of Standards and Technology	638,982	712,991	422,892	596,619	598,333	-40,649
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	1,688,189	1,882,189	1,608,125	1,958,046	1,869,170	+180,981
Offsetting collections (fisheries) (proposed)	.....	-20,000	.....	.....	.....	.....
Offsetting collections (navigations) (proposed)	.....	-14,000	.....	.....	.....	.....
Direct appropriation	1,688,189	1,848,189	1,608,125	1,958,046	1,869,170	+180,981
(By transfer from Promote and Develop Fund)	(68,000)	(68,000)	(68,000)	(72,828)	(68,000)	.....
(By transfer from Coastal zone management)	.....	3,200	.....	3,200	3,200	+3,200
Total, Operations, research and facilities	1,688,189	1,851,389	1,608,125	1,961,246	1,872,370	+184,181
Procurement, acquisition and construction	596,067	635,222	563,456	669,542	682,899	+86,832
Advance appropriations, FY 2002 - 2019	.....	6,417,495	.....	.....	.....	.....
Coastal and ocean activities	.....	.....	.....	.....	420,000	+420,000
Pacific coastal salmon recovery	58,000	160,000	58,000	58,000	74,000	+16,000
Fisheries assistance	.....	10,000	.....	.....	.....	.....
Coastal impact assistance	.....	100,000	.....	.....	.....	.....
Coastal zone management fund	4,000	.....	4,000	.....	.....	-4,000
Mandatory offset	-4,000	-3,200	-4,000	-3,200	-3,200	+800
Fishermen's contingency fund	953	951	951	953	952	-1
Foreign fishing observer fund	189	191	189	191	191	+2
Fisheries finance program account	338	6,628	238	338	288	-50
Total, National Oceanic and Atmospheric Administration	2,343,736	9,178,676	2,230,959	2,687,070	3,047,500	+703,764
Appropriations	(2,343,736)	(2,761,181)	(2,230,959)	(2,687,070)	(3,047,500)	(+703,764)
Advance appropriations	.....	(6,417,495)	.....	.....	.....	.....
Total, Science and Technology	2,990,690	9,900,383	2,661,796	3,291,905	3,653,913	+663,223
Departmental Management						
Salaries and expenses	31,500	32,340	28,392	32,340	35,920	+4,420
Digital department	.....	5,800	.....	5,800	.....	.....
Security	.....	13,268	.....	10,000	.....	.....
Office of Inspector General	20,000	22,726	21,000	19,000	20,000	.....
Total, Departmental management	51,500	74,134	49,392	67,140	55,920	+4,420
National Oceanic and Atmospheric Administration						
Fisheries promotional fund (rescission)	-1,187	.....	.....	.....	.....	+1,187
Total, Department of Commerce	8,649,308	12,060,239	4,277,002	4,836,849	5,164,139	-3,485,169
Appropriations	(4,174,242)	(5,445,244)	(4,277,002)	(4,836,849)	(5,164,139)	(+989,897)
Emergency appropriations	(4,476,253)	.....	.....	.....	.....	(-4,476,253)
Rescissions	(-1,187)	.....	.....	.....	.....	(+1,187)
Advance appropriations	.....	(6,614,995)	.....	.....	.....	.....
Total, title II, Department of Commerce and related agencies	8,719,438	12,138,939	4,353,430	4,915,549	5,241,756	-3,477,682
Appropriations	(4,244,372)	(5,523,944)	(4,353,430)	(4,915,549)	(5,241,756)	(+997,384)
Emergency appropriations	(4,476,253)	.....	.....	.....	.....	(-4,476,253)
Rescissions	(-1,187)	.....	.....	.....	.....	(+1,187)
Advance appropriations	.....	(6,614,995)	.....	.....	.....	.....
(By transfer)	(68,000)	(74,300)	(68,000)	(79,028)	(68,000)	.....
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,698	1,698	1,698	1,698	1,698	.....
Other salaries and expenses	33,794	36,047	35,084	35,893	35,893	+2,099
Total, Salaries and expenses	35,492	37,745	36,782	37,591	37,591	+2,099

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Care of the building and grounds	8,002	7,530	7,530	7,530	7,530	-472
Total, Supreme Court of the United States	43,494	45,275	44,312	45,121	45,121	+1,627
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,945	2,021	2,021	2,021	2,021	+76
Other salaries and expenses	14,852	17,512	15,825	15,909	15,909	+1,057
Total, Salaries and expenses	16,797	19,533	17,846	17,930	17,930	+1,133
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,525	1,525	1,525	1,525	1,525	.....
Other salaries and expenses	10,432	10,981	10,774	10,931	10,931	+499
Total, Salaries and expenses	11,957	12,506	12,299	12,456	12,456	+499
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	240,375	248,000	248,000	248,000	248,000	+7,625
Other salaries and expenses	2,717,763	3,250,694	3,080,778	3,111,725	3,111,725	+393,962
Direct appropriation	2,958,138	3,498,694	3,328,778	3,359,725	3,359,725	+401,587
Crime trust fund	156,539	.....	.....	.....	.....	-156,539
Total, Salaries and expenses	3,114,677	3,498,694	3,328,778	3,359,725	3,359,725	+245,048
Vaccine Injury Compensation Trust Fund	2,515	2,602	2,600	2,602	2,602	+87
Defender services	358,848	440,351	420,338	416,368	435,000	+76,152
Crime trust fund	26,247	.....	.....	.....	.....	-26,247
Fees of jurors and commissioners	60,918	60,821	60,821	59,567	59,567	-1,351
Court security	193,028	215,353	198,265	199,575	199,575	+6,547
Total, Courts of Appeals, District Courts, and Other Judicial Services	3,756,233	4,217,821	4,010,802	4,037,837	4,056,469	+300,236
Administrative Office of the United States Courts						
Salaries and expenses	55,000	61,215	58,340	50,000	58,340	+3,340
Federal Judicial Center						
Salaries and expenses	18,000	19,337	18,777	19,215	18,777	+777
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	39,700	35,700	35,700	35,700	35,700	-4,000
United States Sentencing Commission						
Salaries and expenses	8,500	10,600	9,615	9,931	9,931	+1,431
General Provisions						
Judges pay raise (sec. 309)	9,611	.....	.....	8,801	8,801	-810
Total, title III, the Judiciary	3,959,292	4,421,987	4,207,691	4,236,991	4,263,525	+304,233
Appropriations	(3,776,506)	(4,421,987)	(4,207,691)	(4,236,991)	(4,263,525)	(+487,019)
Crime trust fund	(182,786)	.....	.....	.....	.....	(-182,786)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	2,569,825	2,694,325	2,679,325	2,875,758	2,758,725	+188,900
Worldwide security upgrade	254,000	410,000	410,000	272,736	410,000	+156,000
Total, Diplomatic and consular programs	2,823,825	3,104,325	3,089,325	3,148,494	3,168,725	+344,900
Capital investment fund	80,000	97,000	79,670	104,000	97,000	+17,000
Office of Inspector General	27,495	29,502	28,490	29,395	28,490	+995
Educational and cultural exchange programs	205,000	225,000	213,771	225,000	231,587	+26,587
Representation allowances	5,850	5,973	5,826	6,773	6,499	+649
Protection of foreign missions and officials	8,100	10,490	8,067	10,490	15,467	+7,367
Embassy security, construction and maintenance	428,561	431,178	416,976	417,104	416,976	-11,585
Worldwide security upgrade	313,617	648,000	648,000	364,900	663,000	+349,383
Advance appropriations, FY 2002 - 2005	.....	3,350,000	.....	.....	.....	.....
Emergencies in the diplomatic and consular service	5,500	11,000	5,477	11,000	5,477	-23
(By transfer)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	.....
Commission on Holocaust Assets in U.S. (by transfer)	(1,162)	(1,162)	.....	.....	(1,400)	(+238)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Repatriation Loans Program Account:						
Direct loans subsidy	593	593	591	593	591	-2
Administrative expenses	607	607	604	607	604	-3
(By transfer)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	.....
Total, Repatriation loans program account	1,200	1,200	1,195	1,200	1,195	-5
Payment to the American Institute in Taiwan	15,375	16,345	16,345	16,345	16,345	+970
Payment to the Foreign Service Retirement and Disability Fund	128,541	131,224	131,224	131,224	131,224	+2,683
Total, Administration of Foreign Affairs	4,043,064	8,061,237	4,644,366	4,465,925	4,781,985	+738,921
Appropriations	(4,043,064)	(4,711,237)	(4,644,366)	(4,465,925)	(4,781,985)	(+738,921)
Advance appropriations	.....	(3,350,000)	.....	.....	.....	.....
International Organizations and Conferences						
Contributions to international organizations, current year assessment	885,203	946,060	880,505	879,144	870,833	-14,370
New NATO headquarters	.....	.....	.....	64,800	.....	.....
Contributions for international peacekeeping activities, current year	500,000	738,666	498,100	500,000	846,000	+346,000
Arrearage payments	351,000	.....	.....	102,000	.....	-351,000
Total, International Organizations and Conferences	1,736,203	1,684,726	1,378,605	1,545,944	1,716,833	-19,370
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	19,551	7,142	19,470	7,142	7,142	-12,409
Construction	5,939	26,747	6,415	26,747	22,950	+17,011
American sections, international commissions	5,733	8,891	5,710	6,741	6,741	+1,008
International fisheries commissions	15,549	19,392	15,485	19,392	19,392	+3,843
Total, International commissions	46,772	62,172	47,080	60,022	56,225	+9,453
Other						
Payment to the Asia Foundation	8,250	10,000	8,216	.....	9,250	+1,000
Eisenhower Exchange Fellowship Program, trust fund	465	500	500	500	500	+35
Israeli Arab scholarship program	340	375	375	375	375	+35
East-West Center	12,500	12,500	.....	13,500	13,500	+1,000
North/South Center	1,750	1,750	.....	.....	.....	-1,750
National Endowment for Democracy	31,000	32,000	30,872	30,999	30,999	-1
Total, Department of State	5,880,344	9,865,260	6,110,014	6,117,265	6,609,667	+729,323
Appropriations	(5,880,344)	(6,515,260)	(6,110,014)	(6,117,265)	(6,609,667)	(+729,323)
Advance appropriations	.....	(3,350,000)	.....	.....	.....	.....
RELATED AGENCY						
Broadcasting Board of Governors						
International Broadcasting Operations	388,421	405,056	419,777	388,421	398,971	+10,550
Broadcasting to Cuba	22,095	23,456	.....	22,095	22,095	.....
Broadcasting capital improvements	11,258	19,760	18,358	29,060	20,358	+9,100
Worldwide security upgrade	.....	.....	.....	2,015	.....	.....
Total, Broadcasting Board of Governors	421,774	448,272	438,135	441,591	441,424	+19,650
Total, title IV, Department of State	6,302,118	10,313,532	6,548,149	6,558,856	7,051,091	+748,973
Appropriations	(6,302,118)	(6,963,532)	(6,548,149)	(6,558,856)	(7,051,091)	(+748,973)
Advance appropriations	.....	(3,350,000)	.....	.....	.....	.....
(By transfer)	(6,162)	(6,162)	(5,000)	(5,000)	(6,400)	(+238)
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime Security Program	96,200	98,700	98,700	98,700	98,700	+2,500
Operations and training	72,073	80,240	84,799	80,240	86,910	+14,837
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy	6,000	2,000	10,621	20,221	30,000	+24,000
Administrative expenses	3,809	4,179	3,795	4,179	3,987	+178
Total, Maritime guaranteed loan program account	9,809	6,179	14,416	24,400	33,987	+24,178
Total, Maritime Administration	178,082	185,119	197,915	203,340	219,597	+41,515
Census Monitoring Board						
Salaries and expenses	.....	4,000	.....	.....	.....	.....

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	490	390	390	490	490	.....
Commission on Civil Rights						
Salaries and expenses	8,900	11,000	8,866	8,900	8,900	.....
Commission on Electronic Commerce						
Salaries and expenses	1,400	.....	.....	.....	.....	-1,400
Commission on Ocean Policy						
Salaries and expenses	.....	.....	.....	1,000	1,000	+1,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,182	1,370	1,182	1,370	1,370	+188
Congressional/Executive Commission on China						
Salaries and expenses	.....	.....	.....	.....	500	+500
Equal Employment Opportunity Commission						
Salaries and expenses	282,000	322,000	290,928	294,800	303,864	+21,864
Federal Communications Commission						
Salaries and expenses	210,000	237,188	207,909	237,188	230,000	+20,000
Offsetting fee collections - current year	-185,754	-200,146	-200,146	-200,146	-200,146	-14,392
Direct appropriation	24,246	37,042	7,763	37,042	29,854	+5,608
Federal Maritime Commission						
Salaries and expenses	14,150	16,222	14,097	16,222	15,500	+1,350
Federal Trade Commission						
Salaries and expenses	125,024	164,600	134,807	159,500	147,154	+22,130
Offsetting fee collections - carryover	-21,000	-7,000	-13,709	-1,900	-1,900	+19,100
Offsetting fee collections - current year	-104,024	-157,600	-121,098	-157,600	-145,254	-41,230
Direct appropriation	.....	.....	.....	.....	.....	.....
Legal Services Corporation						
Payment to the Legal Services Corporation	305,000	340,000	275,000	300,000	330,000	+25,000
Marine Mammal Commission						
Salaries and expenses	1,270	1,400	1,700	1,700	1,700	+430
Securities and Exchange Commission						
Current year fees	173,800	282,800	252,624	194,652	127,800	-46,000
1998 fees	194,000	.....	.....	.....	.....	-194,000
1999 fees	.....	140,000	140,000	295,000	295,000	+295,000
Direct appropriation	367,800	422,800	392,624	489,652	422,800	+55,000
Small Business Administration						
Salaries and expenses	292,800	163,000	304,094	143,475	368,635	+75,835
Non-credit business assistance programs	.....	256,050	.....	153,690	.....	.....
Office of Inspector General	11,000	14,315	10,905	13,000	11,953	+953
Business Loans Program Account:						
Direct loans subsidy	.....	5,370	2,500	2,600	2,250	+2,250
Guaranteed loans subsidy	137,800	190,460	137,800	162,800	163,160	+25,360
Administrative expenses	129,000	132,525	129,000	130,800	129,000	.....
Total, Business loans program account	266,800	328,355	269,300	296,200	294,410	+27,610
Disaster Loans Program Account:						
Direct loans subsidy	140,400	142,100	140,400	142,100	76,140	-64,260
Administrative expenses	136,000	154,000	136,000	139,000	108,354	-27,646
Total, Disaster loans program account	276,400	296,100	276,400	281,100	184,494	-91,906
Total, Small Business Administration	847,000	1,057,820	860,699	887,465	859,492	+12,492
State Justice Institute						
Salaries and expenses 1/	6,850	15,000	4,500	6,850	6,850	.....
(By transfer)	.....	.....	.....	(8,000)	.....	.....

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
United States Commission on International Religious Freedom						
Salaries and expenses		3,000				
Total, title V, Related agencies	2,038,370	2,417,163	2,055,664	2,248,831	2,201,917	+163,547
TITLE VI - GENERAL PROVISIONS						
Section 604				23,000		
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)		-10,000		-76,698		
Legal Activities						
Assets forfeiture fund (rescission)				-96,383		
Federal Bureau of Investigation						
Information sharing initiative (rescission)				-40,000		
Drug Enforcement Administration						
Drug diversion fund (rescission)	-35,000			-8,000	-8,000	+27,000
Immigration and Naturalization Service						
Immigration emergency fund (rescission)	-1,137					+1,137
DEPARTMENT OF STATE AND RELATED AGENCIES						
DEPARTMENT OF STATE						
International Organizations and Conferences						
Contributions for international peacekeeping activities, current year (rescission)				-212,744		
Broadcasting Board of Governors						
International broadcasting operations (rescission)	-15,516					+15,516
RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy (rescission)			-7,644		-7,644	-7,644
Small Business Administration						
Business Loans Program Account:						
Guaranteed loans subsidy (rescission)	-13,100					+13,100
Total, title VII, Rescissions	-64,753	-10,000	-7,644	-433,825	-15,644	+49,109
TITLE VIII - SOUTHWEST BORDER INITIATIVE						
DEPARTMENT OF JUSTICE						
Legal Activities						
United States Marshals Service:						
Direct appropriation (contingent emergency appropriations)				5,268		
Construction (contingent emergency appropriations)				5,625		
Justice prisoner and alien transportation system fund (contingent emergency appropriations)				52,000		
Total, United States Marshals Service				62,893		
Drug Enforcement Administration						
Salaries and expenses (contingent emergency appropriations)				22,500		
Immigration and Naturalization Service						
Salaries and expenses (contingent emergency appropriations)				67,585		
Construction (contingent emergency appropriations)				254,008		
Total, Immigration and Naturalization Service				321,593		

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4690) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
THE JUDICIARY						
Courts of Appeals, District Courts, and Other Judicial Services						
Other salaries and expenses (contingent emergency appropriations)	.....	.....	.....	4,392	.....	.....
Court security (contingent emergency appropriations)	.....	.....	.....	2,562	.....	.....
Total, The Judiciary	.....	.....	.....	6,954	.....	.....
Total, title VIII:						
New budget (obligational) authority	.....	.....	.....	413,940	.....	.....
TITLE IX						
Wildlife conservation and restoration planning	.....	.....	.....	.....	50,000	+50,000
Grand total:						
New budget (obligational) authority	39,600,967	50,932,968	37,394,617	36,689,955	39,868,390	+267,423
Appropriations	(30,974,654)	(39,651,973)	(37,402,261)	(36,709,840)	(39,884,034)	(+8,909,380)
Emergency appropriations	(4,476,253)	.....	.....	(413,940)	.....	(-4,476,253)
Advance appropriations	.....	(11,290,995)	.....	.....	.....	.....
Rescissions	(-65,940)	(-10,000)	(-7,644)	(-433,825)	(-15,644)	(+50,296)
Crime trust fund	(4,216,000)	.....	.....	.....	.....	(-4,216,000)
(By transfer)	(173,707)	(87,462)	(80,000)	(99,028)	(81,400)	(-92,307)

1/ The President's budget proposed $6.85 million for State Justice Institute.

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

Mr. ISTOOK. Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from New York (Mr. SERRANO), a good friend, colleague, and the ranking member on the Subcommittee on Commerce, Justice, State and Judiciary.

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, let me first say that it is for me unfortunate that this is the last time the gentleman from Kentucky (Chairman ROGERS) will lead on this bill. Six years ago, the Republican Conference imposed term limits on its Chairs, which now removes the most experienced and knowledgeable member of our subcommittee from its Chair.

Mr. Speaker, I know the gentleman will provide invaluable advice and counsel to his successor, whatever party that may be, and the gentleman may be able to bring his considerable leadership skills to another subcommittee, I am hoping, because the gentleman has been a true friend, a colleague; and the gentleman knows I have the utmost respect for him.

Mr. Speaker, it has been a pleasure also to work with the gentleman's staff, our staff; and because time is limited, let me just say to all the staff that I value your advice, your counsel, the work you have done on this bill. I will personally make phone calls to your relatives to tell them why you have not been at home most weekends and most evenings.

I initially supported, Mr. Speaker, this bill, because I felt it was a bill that could get better. This bill is a mixture of good and bad news as we discuss it right now; and I am specifically speaking about the Commerce, Justice, State bill, which I am involved with.

The bill grew and the bill got much better in many areas, where most of us felt it was necessary to do so.

In the Civil Rights division, in the EEOC, in the COPS program, it grew up to a billion dollars; $100 million provided for community prosecutors, $75 million for prosecuting gun crimes, $17 million on the COPS and police integrity grants to support increasing local professionalism, something that we are all very much involved with.

The peacekeeping mission has been fully funded. Trying to bring this bill to where the House and the Senate could agree was not an easy task, but both parties, both sides of the aisle on the issue of numbers were willing to do so; and that is why jointly with the White House we were able to increase funding in so many areas.

The digital divide was addressed.

NOAA will receive substantially more than in the House bill. Now NOAA will receive funding provided for minority-serving institutions.

All of the work that we wanted to put forth on this bill, Mr. Speaker, has been met in the area of numbers. However, and this is a major however, we had a great opportunity to do something through the Latino and Immigrant Fairness Act, LIFA. It is language that would, in fact, take care of a disparity that we have in our immigration policy, something that we did before that we could have included other people. It is language that would be fair and humane in dealing with a major problem; and last, but not least, it is language that is so vital to this bill, because without it this bill becomes a veto strategy, rather than a getting-a-bill-signed-into-law strategy.

I would hope that as that veto comes back, and I will vote to sustain that veto, that we can continue to work with my support to make sure that this bill can, in fact, be what it has to be.

First, this is the last time Chairman ROGERS will lead on this bill. Six years ago, the Republican Conference imposed term limits on its Chairs, which now removes the most experienced and knowledgeable Member of our Subcommittee from its chair. I know HAL will provide invaluable advice and counsel to his successor, whatever his party, and he may be able to bring his considerable leadership skills to another Subcommittee. Still, this is an unnecessary change.

It has been a pleasure to work with Chairman ROGERS and the other Members of the Subcommittee, each of whom has contributed so much to developing this legislation.

I also want to congratulate and thank the staff for their dedication and professionalism, and for the many nights and weekends they put in on this conference agreement. The Committee staff, Democratic and Republican alike, and staff in Mr. ROGERS' and my offices have all contributed to this moment. We owe them—and their families, who haven't seen much of them lately—a great deal.

I supported initial House passage of H.R. 4690 because I believed we should keep the bill moving toward the improvements that would surely happen before it could ever become law. I rise now to state that the bill has been substantially improved.

I want to compliment our Chairman on bringing us to this conclusion. The differences between House and Senate were enormous because the priorities were so very different. Just getting to where the House considered Justice funding adequate or the Senate considered Commerce funding adequate took a great deal of work. And that was before the Administration weighed in with its priorities.

Programs I earlier pointed to as underfunded are now in substantially better shape.

Funding has been added for the Civil Rights Division, the EEOC, and the Legal Services Corporation, which will receive an appropriation of $330 million.

The COPS program has gone from a freeze at last year's level to just over $1 billion, and $100 million is provided for community prosecutors, $75 million for prosecuting gun crimes.

I am particularly pleased at the inclusion of $17 million under COPS for police integrity grants to support increasing local police professionalism. This is an area of great interest to me, and I am working with Chairman HYDE to establish a national commission to study police recruitment, hiring, training, oversight, and use of force policies and make recommendations to Congress.

The Administration's requests for trade enforcement have been fully funded and the Department's ability to collect the vital statistical data on which our economy depends has been strengthened. Funds are now provided to help bridge the ''digital divide'' between the information age's ''haves'' and ''have nots''.

And NOAA will receive substantially more than in the House bill for its critical work on weather, the health of our air and water, our coasts and oceans, and so much more. Moreover, funding has been provided for NOAA's Minority Serving Institutions initiative, to create a pool of minority scientists in the scientific disciplines NOAA needs.

The peacekeeping request is fully funded, and restrictions on payment of our U.N. dues are modified to reduce the harm they would have caused.

In addition, every effort was made to accommodate as many Member requests as possible out of the thousands received.

There remain problems, of course, including serious language issues that threaten this entire package with a veto.

Failure to include the provisions of the Latino and Immigrant Fairness Act (LIFA), despite the President's intention, repeated yesterday, to veto the bill if those issues are not resolved is simply a waste of time. All it will do is add a couple of days to the time we must remain in Washington trying to finish our work for the year.

I am also deeply distressed by the provision that interferes with the FCC's low-power FM initiative, which would be of such value to schools, churches, and community groups in areas such as the South Bronx. In addition, language added in the dark of night that is supposed to improve rural television service abandons a bipartisan agreement reached just this week and gives the advantage to existing cable monopolists.

The bill includes new appropriations of $420 million for coastal impact assistance and other ocean and coastal conservation programs, built on what the Interior bill contained. These additional funds are intended to increase resources for protection, conservation, and restoration of fragile coastal habitat areas, but the other body skewed the distribution away from strengthening national conservation programs and toward funding numerous parochial projects.

While restrictions on the Justice Department's ability to move funds around to pursue its tobacco litigation have been modified, none of the $23 million for the lawsuit is provided directly.

Finally, the ''Amy Boyer'' provisions, far from protecting our Social Security Numbers from display or sale on the Internet, make them far more widely available to commercial concerns.

In closing, Mr. Speaker, I am pleased at how far we have come in improving the base bill, and I am confident that the language issues will be worked out, although a negotiating strategy would be far preferable to a veto strategy. If the President does veto the bill, as expected, I will vote to sustain his veto. In any case, I look forward to the eventual enactment of the Commerce, Justice, State, and Judiciary Appropriations bill.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Iowa

(Mr. LATHAM), a distinguished member of the Subcommittee on Commerce, Justice, State and Judiciary.

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

□ 1815

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

I just wanted to take a minute, first of all, to thank our chairman, the gentleman from Kentucky (Mr. ROGERS) who has had extraordinary wisdom and knowledge and leadership on this bill, and there is no one in the House that I have more admiration for, and I appreciate his very kind consideration and leadership on the committee. It is truly appreciated not only by myself, but by people in my district and in the State of Iowa.

Also, the gentleman from New York (Mr. SERRANO) is a very dear friend, and I have the greatest respect for the ranking member and I want to thank him for all his help. If the staff here looks a little sleepy, it is because they probably have not gotten any sleep the last couple of evenings.

Mr. Speaker, this is a very, very good bill with a lot of work in it. I am, in particular, very appreciative of the fact that we were able to increase funding for the methamphetamine training center in Sioux City, Iowa, to be able to expand that program that has been of vital assistance to local law enforcement throughout the four-State region. It is extremely important, and that great work is going to continue because of this bill. The local law enforcement block grant, which has helped so many of our small communities, which are fighting the battle, in particular in the upper Midwest with methamphetamines today, it is very, very important. The cleanup funds that are in this bill, as far as the labs out there, are extraordinarily important.

So I just wanted to thank the chairman and the ranking member, and all of the staff on both sides. I think this is a very, very good bill; and I hope everyone will pull together and pass the bill.

Mr. ISTOOK. Mr. Speaker, I reserve the balance my time.

Mr. MORAN of Virginia. Mr. Speaker, in the President's veto message, he said, regrettably, this bill does not include needed protections against the inappropriate sale and display of individual citizen's Social Security numbers.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY) to explain the President's objection in this regard to this bill.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me begin by complimenting the Republicans in the House on their work on protecting Social Security numbers so that they are not trafficked in American commerce. Unfortunately, I cannot say the same thing for the United States Senate; and they have attached a rider to the legislation which, unfortunately, makes it possible for us to move this kind of Social Security information into national commerce.

Now, the Committee on Ways and Means, led by the gentleman from Florida (Mr. SHAW), has been doing a fabulous job in ensuring that the Democrats and Republicans, liberals and conservatives in the House, where the liberal left meets the libertarian right, we are all going to do something to deal with the issue of Amy Boyer whose name was purchased for $45 by a stalker; created a Web site, this stalker; and then ultimately killed Amy Boyer using the Social Security which he purchased for $45.

Now, I say to my colleagues, what are we talking about in this amendment that has come over from the Senate? We are talking about taking this concern and riddling it with loopholes.

Now, every one of us gets a Social Security number when we are 16, when we are 17, in the United States, and this Social Security number increasingly has become our personal identifier. Now, what does it say on the back of the Social Security card? It says, ''Improper use of this card and/or number by the number-holder or any other person is punishable by fine, imprisonment, or both.'' Or both.

Now, what does the bill before us do? It says it is going to help the problem about Amy Boyer. What does it do? It takes this protection which we have always had and it amends it. It amends it by doing this. It puts right here the word ''not.'' That is, it is not punishable by fine or imprisonment, or both. It riddles it with exemptions. It says this: If you are a credit reporting agency, you are exempted from the restrictions of the bill. If you are a big bank, if you are a life insurance company or a Wall Street brokerage firm, you are exempt from the provisions. If you are a professional or commercial user, you can sell it to other businesses, but not to the general public. If you are a company engaged in any activity which the banking regulators have determined to be complementary to a financial activity, such as running a travel agency, you are exempt. You can sell the Social Security information. If you obtain someone's Social Security number from a public record, a driver's license, a court filing, a real estate document, you can sell it to anyone you want.

What is left, I ask my colleagues? What protections will Americans have if we allow this kind of codification of basically trafficking in Social Security numbers in our country?

Mr. Speaker, I regret that this bill is coming to the House floor today with a number of unrelated legislative ''riders'' attached to it. This is not the way Congress should conduct its business.

Chief among these unrelated provisions are two problematic measures which have not gone through the normal legislative process. These two measures are those addressing low power FM radio as well as a measure establishing a program of loan guarantees for local television distribution for rural areas.

The language addressing the rural loan guarantee program was developed solely by Republicans. I would have hoped that we could have developed a sound compromise—just as we did when the House originally passed this rural loan bill earlier this year. Unfortunately, the Republican majority has decided not to work with concerned Democrats to develop a more consensus bill.

This is especially unfortunate because as I just mentioned the original version of the bill that passed the House back in April at least had been developed with both Republicans and Democrats at the table. From a procedural standpoint therefore the loan guarantee bill's appearance as a rider on the appropriations bill today on the House floor highly objectionable. The House had a bipartisan agreement on this measure the last time it was considered and the House Republicans seem willing to disrupt the compromise that had already been established—a provision which had both industry and consumer support.

As for the substance of this new bill it departs from the original House bill and guts key provisions that were adopted in the Commerce Committee that instilled a preference for competition. This bill will not only run the risk of subsidizing large media companies who do not need taxpayer subsidies, it has now been changed so that incumbent cable companies who already provide local TV stations can get a taxpayer subsidy as well. This makes no sense as a public policy.

Why on earth should incumbent cable companies get a subsidy to do that which they should be doing anyway—or that they already have plans to do with private capital?

The legislative effort underway stems from the debate we had in the previous session of Congress on amendments to the Satellite Home Viewer Act which spurred the deployment of local-to-local service from direct to home satellite providers. Satellite-delivered local-to-local service promises to extend to millions of consumers much needed competition in the multichannel video marketplace.

When Congress was considering legislation last year, it was clear that the two existing DBS companies would not be providing local-to-local service beyond the top markets in the most populated areas of the country. The legislation before us today was prompted by a desire to extend the local-to-local service that urban America was going to receive to rural communities as well. The effort to do so is built upon America's experience in extending electricity and phone service to rural towns and hamlets.

I have long supported the universal service concept that ensures that the poor as well as rural Americans do not fall behind and that they can receive the basic essential services that more affluent, urban Americans do at affordable prices.

The problem with this new version of the bill however is that it would permit taxpayer backed loans to go to incumbent companies. If people can already get local TV stations from a cable operator, then the government doesn't need to get involved to extend service to that area in the same way that we extended

electricity and phone service to areas that otherwise wouldn't get it. The cable guy is already there.

Consumers in that area, however, may understandably want an alternative to the cable operator, perhaps one they can use in conjunction with their satellite dish. If we are proposing to extend loan guarantees to provide *alternatives* to the local TV service rural consumers already receive from an incumbent, it makes zero sense in my view to permit the very same incumbents to be eligible for loans.

If the incumbent monopoly already provides local TV stations to a community, then rural consumers in that community are choosing not to subscribe to that service for some reason. That reason is most likely price. Why would Congress ask these rural citizens for their taxpayer dollars to subsidize the only choice in town they don't want anyway?

To do so would stand competitive telecommunications policy on its head—rather than addressing the lack of competition or lingering concern about affordable cable rates, we're proposing to allow the sole multichannel provider in a rural area a chance to solidify their position with help from the Federal government—and I might add without any obligation from the loan recipient to price the subsidized monopoly service to consumers affordably.

I wish this loan guarantee provision had been handled differently. I wish we would have named conferees and worked out our disagreements with the Senate. We had all summer long to do so. We could have done it on a bipartisan basis.

Instead, Democrats have not been fully included in the negotiations leading to this version of the bill and the provisions is a far worse measure than what passed the House previously.

Here's the problem with the language in the current version of the bill. The language in the bill says: ''that no loan guarantee under this Act may be granted or used to provide funds for a project that extends, upgrades, or enhances the services provided over any cable system to an area that, as of the date of enactment of this Act, is covered by a cable franchise agreement that expressly obligates a cable system operator to serve such area.''

The original House bill did not require franchising authorities to have provisions in franchise agreements that ''expressly'' regulated able buildout schedules to serve all of the geographic areas of a franchise. This may significantly undercut the applicability of the prohibition on subsidizing incumbent companies because many franchise agreements may not have explicit build-out requirements.

More importantly, the new version applies only to franchise agreements in effect as of the date of enactment of the Act.

In other words, when the franchise agreement expires next month, or six months from now, or a year from now, an incumbent cable operator is eligible for taxpayer-backed loans under any ''new'' franchise—because it's not the one in effect on the date of enactment. It's a loophole.

Tying the prohibition only to existing franchise agreements—which are of limited duration—essentially guts the prohibition for every expired or newly re-negotiated franchise agreement. Again, the House-passed version kept a preference for competition, had the acceptance of affected small cable operators in the industry, had the support of consumer groups, and established a broad consensus throughout the House. Today, the Senate-crafted language achieves none of those benefits. It's bad for competition, bad for consumers, and unfair to taxpayers.

The Commerce, Justice, State bill also includes a provision delaying low power FM radio. This was a very controversial measure when the House considered it and I don't believe it is appropriate to attach it as a rider to this appropriations measure.

We need to first keep in context that this new low power FM service comes in the aftermath of the rapid, and in my view, unhealthy consolidation of radio properties across this nation. Before the Telecommunications Act of 1996, the maximum number of radio stations that an individual could own in a local market was 2 FM and 2 AM stations, and nationally, a person could own up to 40 radio stations. Right now the top 4 radio groups own 512 stations, 443 stations, 248 stations, and 163 stations respectively, and assuming its pending merger gets approved, Clear Channel will own over 800 radio stations nationally. The low power FM bill is a modest effort to bring new voices into our media mix, in a community-oriented, non-commercial service.

The Federal Communications Commission is always at its best when it takes the public's airwave resources and works to make more efficient use of that spectrum for the public. The effort underway is to supplement what already exists, not supplant or interfere in any harmful way with existing services.

The stated reason for bringing this bill to the floor today is fear of harmful interference. We're not talking about interference on home stereo systems, nor about interference concerns for car radios, where there is consensus that there will be little to no harm . . . . but rather, potentially harmful interference—within a small area—perhaps for clock radios or portable walkman-style radios.

Usually when there are disputes about frequency interference we defer to the FCC. This is the job, after all, that the FCC has been doing, and doing well, for decades. The Commission is in the process of addressing many of the concerns raised about interference and has announced plans to receive applications for the service initially in 10 States. As low power FM is deployed we will know whether there is harmful interference because consumers will let us know.

Since the late 1960s, some 300 radio stations around the country have operated within the 3rd adjacent channel proposed for low power FM. These ''close proximity'' stations were grandfathered in 1997 by the FCC. We didn't have any hearings about it, we didn't hear a peep from a single broadcaster about interference issues, and I don't remember a single Member of Congress or a consumer raising concerns about interference issues from any of those stations—which, as opposed to the proposed service, are full power radio stations.

In short, I don't think we need legislation in this area at all, either to stop the program or to belabor FCC engineers to study over and over again a technology that is the oldest and most familiar service to them. This isn't rocket science or some new whiz-bang technologically-sophisticated service or a hitherto unutilized frequency allocation . . . . it's just radio.

If people have concerns, the FCC can continue to look into resolving them. If serious problems do in fact arise from the new service, there are already existing remedies at the Commission to address interference issues. I would prefer that the House put this legislation on the back burner, let the Commission do its job, and return to this legislative proposal at a later date, when and if it's necessary. I urge members to vote ''no'' on this bill.

There are some 300 stations around the country—high power radio stations—that were grandfathered in 1997 and have operated many of them since the late 1960s within the 2nd and 3rd adjacent channel limits.

Who complains about those stations? No one has ever come up to me to complain about harmful interference on WBCN Boston, WMJX Boston or any of the 15 stations in Massachusetts that operate within these limits on HIGH POWER stations. It's inconceivable that low power stations really pose a threat here.

Around the country there are other stations operating in these limits without provoking consumer reaction—such as: KCBS in Los Angeles; KLAX in Long Beach California; KBCD in Newport Beach California; KYCY in San Francisco. . . . Or any of the 50 high power radio stations in California, or The 24 stations in Illinois, or The 25 radio stations in North Carolina, or The 28 radio stations in Ohio, or The 24 in New York and 17 in New Jersey and so on that today operate within the so-called 3rd adjacent channel.

There aren't any complaints. If there's a concern about interference from low power stations—shouldn't the legislation also analyze the logically more apparent interference from these high power stations? The bill doesn't ask the Commission to look at those stations however. Why? Because they are incumbents. They already got theirs.

This legislation is unnecessary and again, if harmful interference does arise in a particular area, the Commission has a long history with radio and a long history of mitigating interference affects.

There are other problems in this bill.

I have spent considerable time talking about how this bill would strip the American people of their privacy protections. Well the appropriators didn't stop there. They decided to see what protections they could strip from our national parks as well.

Tucked way down in this bill is an exemption for Cuyahoga Valley National Park. The exemption would keep this national park from being afforded the highest possible clean air standards allowed under the Clean Air Act. Let me remind you, we just designated this area as a national park in the Interior Bill we passed a few weeks ago. So this Congress thinks the best way to protect our natural resources is to designate a national park one week and strip away its protections the next.

That's like buying a brand new car that has all the latest safety features: an airbag, motion detection systems, and the best seatbelts. Then just before you let your son drive it, you drain all the brake fluid. That's not the way to make your car safe. But that's how this Congress wants to protect your national parks.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. HUTCHINSON), one of the more studious Members of this body.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me

this time and for his leadership on this. I want to express my appreciation to the gentleman from Massachusetts (Mr. MARKEY) for raising the issue of the Social Security numbers in that provision of this bill.

Let me tell the gentleman from Massachusetts that I agree with his concern that this is a poorly drafted provision that could do more harm than good, and this is a Senate provision that was added. But I think we have to put this in perspective. Even though I have strong reservations about that, there are such extraordinary good parts, important parts to this bill that it deserves supporting. I have had the assurance of the gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, that this will be remedied when it comes back, or in the next Congress, and to me, that is good enough. We are going to come back, we are going to correct this problem, we are aware of this problem, but do not vote against the bill because of this one problem that the Senate added.

The reason is that because we have an increase in the DEA funding, the FBI funding, U.S. Attorneys for fighting violent crime and drugs. The methamphetamine provisions are critically important, the Violence Against Women Act provisions, the civil assistance provisions are critically important. We will remedy the privacy problem. Please support this bill.

Mr. ISTOOK. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the indefatigable, irrefutable and indomitalbe Democratic leader of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, it is getting pretty deep in here.

Mr. Speaker, I have already spoken once on this bill earlier today, and I would simply make three points again for reinforcement purposes.

The first problem with this bill is that it does not treat human beings equally with respect to immigration. In my view, it continues a vicious discrimination between the way we treat groups from one country versus another country in this hemisphere. That alone is reason enough to defeat the bill.

The second reason is that this Congress, it can deny it all it wants, but this Congress has, in my view, for the past 15 years systematically chipped away at the right of privacy for each and every American. I remember when Barry Goldwater, Jr. was on the floor and with myself, we were pushing for legislation to preserve the integrity of the Social Security number so that it would not be used in the beginning steps as an identifier. The last time I looked, Barry Goldwater, Jr. was not a radical, left-wing socialist. We had an agreement between conservatives and progressives and liberals and moderates that that number should remain private and inviolate. This Congress this session has taken several actions that weaken that right; and this bill takes another action today, as the gentleman from Massachusetts has indicated, and for that reason alone, this bill ought to be defeated.

Thirdly, this bill started out to provide protection for our coastal lands, our precious coastal lands. Instead, because of its refusal to add one sentence to the bill, one critical sentence, it now guarantees that projects, construction projects in our precious coastal areas will be able to be built even if they do not meet environmental standards. So a bill which started out to protect our coastal areas is now becoming a bill that will degrade our coastal areas.

Lastly, we have taken the most important remaining water pollution problem before us, nonpoint source pollution, and instead of giving the States the help they need to work up plans to deal with that problem, this bill provides a piddly $10 million out of a multibillion dollars bill. That is not enough for any State to do the work that needs to be done in order to protect our precious natural resources.

Mr. Speaker, I urge, for those reasons, defeat of this bill.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. REGULA), a hard-working member of our subcommittee.

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

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of this bill. There are a number of very good features in it. It provides State and local law enforcement officials the necessary resources to bring down the level of crime.

Secondly, it funds the international trade functions of the government at the necessary levels to open foreign export markets to U.S. goods, and, at the same time, protecting domestic industry against unfair foreign trading practices.

Thirdly, it protects our interests at home and abroad by funding counterterrorism measures and embassy security measures at increased levels. I think, in view of the events in the last several weeks, that becomes even more important.

Fourthly, it funds the JASON project, which is the cutting edge in long-distance learning. It is a tremendous tool, and I think we will find that more and more of our schools will use the facilities of JASON.

I also want to thank the chairman for including report language for the Census Bureau that makes the expedited steel import monitoring program more effective. The early warning system allows domestic manufacturers to have information on steel imports on a more timely basis.

Lastly, I noticed a typographical error, alloy steel should say alloy tool steel.

Mr. Speaker, I rise in support of the conference report on the District of Columbia Appropriations for fiscal year 2001, which also includes the agreement for funding the Commerce, Justice, State Appropriations bill. As a member of the Commerce, Justice, State Appropriations Subcommittee, I would like to commend the Chairman for putting together a bill which:

(1) provides our state and local law enforcement officials the necessary resources to continue to bring down the level of crime in this nation, (2) funds the international trade functions of the government at the necessary levels to open foreign export markets to U.S. goods, but also to protect domestic industry against unfair foreign trading practices; and (3) protects our interests at home and abroad by funding counter-terrorism measures and embassy security measures at increased levels.

I thank the Chairman for continuing the important partnership between the JASON project and the National Oceanic and Atmospheric Administration (NOAA) that encourages middle school students to pursue their education in the sciences. The JASON project is a state-of-the-art education program that brings scientists into classrooms through advanced interactive telecommunications technology.

Last spring one of the sites of the electronic field trip for students was NOAA's Aquarius Underwater Laboratory off of the Florida Keys. Our students need an effective science education in order for the U.S. to keep its competitive edge in the global marketplace. I also want the thank the Chairman for including report language for the Census Bureau that makes the expedited steel import monitoring program more effective. This early warning system allows domestic manufacturers to have information on steel imports on a more timely basis. It is critical that this program provides the necessary trade statistics as we once again face near-record levels of steel imports this year. I noticed that there was a typographical error in the report language. The two new specialty steel categories are: alloy tool steel and silicon electrical steel. The word "tool" was inadvertently left out of the report.

I urge all of my colleagues to support this important legislation.

Mr. ISTOOK. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Resources, to discuss the anti-environmental riders in the bill.

Mr. GEORGE MILLER of California. Mr. Speaker, the gentleman from Wisconsin raised the issue of the coastal zone and the inadequate funding in this legislation so that those States on our coast will have the ability to put in place the programs that they have now developed over many, many years, expending a lot of money to protect the coastal zone and to make sure that that coastal zone, which is of great importance to 50 percent of the population in this Nation and to the jobs that are related to marine coastal zone, the commercial and recreational fishing activities that take place there, and the economy that is driven by the economy of that area can properly be protected.

One of the major assaults on the coastal zone and on the economy and on the use of the coastal resources is nonpoint source pollution. This legislation just completely inadequately deals with that problem. Polluted runoff closes shellfish beds and increases harmful algae blooms and dead zones; it closes beaches and causes fish contamination advisories and much more that we now have to put up on a weekly and daily basis in the coastal zones on the East Coast and the Gulf Coast and on the West Coast of the United States. It is the single biggest problem dealing with water quality, whether it is in the Chesapeake Bay or whether it is in Puget Sound or San Francisco Bay or Santa Monica Bay. We now have dead zones that extend off of the Gulf of Mexico that are thousands and thousands of square miles that are creating dead zones in the area, killing off the fish, killing off any kind of economic activity that can take place there.

In my own State of California, officials in California closed beaches 3,273 times in the State of California. Certainly, last summer's economic disaster in Huntington Beach, California, which was a direct result of beach closure due to water contamination from polluted runoff, underscores the kinds of problems that we were hoping that this legislation would, in fact, deal with; the continued problems of runoff from logging areas from the interior parts of our States and other States throughout the coastal zone in California.

We were poised to reauthorize the Coastal Zone Management Act and the Federal statute that regulates these activities and provides for the States to develop the plans. The States, many of them, have been fully qualified, as is the State of California, to now go forward with these plans, and yet this legislation is so meager on its resources for those activities that we will be unable to do so.

□ 1830

This is a huge, huge segment of the environment of the United States. In just the State of California, we have over 1,600 miles of shoreline and 645,000 acres of estuaries, harbors, and bays.

We have industries that are totally dependent upon this situation: the recreation, the tourism industry. We now have beaches that have been closed for 6 to 12 weeks and a number of beaches that have been closed permanently.

This legislation is inadequate. It ought to be rejected. We ought to turn this legislation down and go back and get the kinds of funds that are necessary to protect the coastal zones of the United States of America.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

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

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to this bill. I want to commend the two subcommittee chairmen for reporting the bill under the budget caps. If it were a clean bill, I would support it. Unfortunately, there was a rider that has been attached from the other body dealing with privacy that is an almost total rollback of privacy protection for our Social Security numbers.

The Gregg amendment, as amended in the Senate, which was added to this legislation last Thursday night in the dead of night, with no public debate that I can find, creates four new exceptions for the use of Social Security numbers for commercial uses.

These four exceptions are so large that one can literally drive a truck through them. I do not think we need to be adding more ability to use our Social Security numbers under the guise of trying to protect the use of Social Security numbers.

For that reason, I am very, very much against this bill, and I ask Members to vote against the bill.

Mr. ISTOOK. Mr. Speaker, how much time is remaining for each party controlling?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Oklahoma (Mr. ISTOOK) has 6 minutes remaining. The gentleman from Kentucky (Mr. ROGERS) has 9 minutes remaining. The gentleman from Virginia (Mr. DAVIS) has 14½ minutes remaining.

Mr. ISTOOK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I will speak to one provision of the bill that I am very concerned about and I wish it had not been placed in the bill, which is a bill that I, even despite this provision, intend to vote for. However, I am very concerned about this particular provision, and that is the one that we have heard the gentleman from Texas (Mr. BARTON) just speak about it.

The provision that was put in this bill gives some legitimacy for the use of Social Security numbers other than the intended use, and that is by the Internal Revenue Service and by the Social Security Administration.

Right now, there is a commerce in this country on selling Social Security numbers. One can go to the Net, and one can buy Social Security numbers. This is a personal thing.

We know of the terrible crime regarding Amy Boyer. She was killed in New Hampshire by a stalker. I know that the Senator who placed this in the bill had her in mind by putting the provisions in there, but the provisions just simply do not address that question and actually gives legitimacy where it is not deserved.

As I understand, the stalker there bought her Social Security number off of the Internet for $45 and then was able to locate them.

We have a bipartisan solution. The gentleman from Wisconsin (Mr. KLECZKA) and I have filed this bill. It has been through the Committee on Ways and Means. That is H.R. 4857, the Social Security Number Privacy and Identity Theft Prevention Act of 2000. This bill restricts the sale and public display of Social Security numbers in both the public and the private sectors. It enhances the privacy rules that apply to Social Security numbers contained in credit reports so that they are less accessible to the public.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I am glad to yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, let me assure the gentleman that we will work with him and others to improve the language in the bill. I assure the gentleman that his interest will be protected.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Kentucky for saying that because there is widespread jurisdiction of this particular bill. The gentleman from Massachusetts (Mr. MARKEY), who spoke earlier before the Committee on Commerce, he and the gentleman from Louisiana (Mr. TAUZIN) have expressed great interest in this. In fact, I think the gentleman from Massachusetts (Mr. MARKEY) has been working on this thing for some time.

Banking also has a piece of it. So it is not as simple as just getting it through the Committee on Ways and Means. It does have this multiple jurisdiction.

It is my intention at the beginning of the next Congress to file this bill again. I will be again looking across the aisle to get cosponsors and get assistance on both sides of the aisle.

Mr. ROGERS. Mr. Speaker, if the gentleman will yield, he can count me as one of the original sponsors of the bill.

Mr. SHAW. The gentleman from Kentucky is on it, Mr. Speaker.

Mr. MORAN of Virginia. Mr. Speaker, I yield such time as she may consume to the very distinguished gentlewoman from California (Ms. PELOSI).

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

Ms. PELOSI. Mr. Speaker, I rise in opposition to this bill because it misses an opportunity to have fairness in our immigration policy.

Mr. MORAN of Virginia. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD), the distinguished chairperson of the Hispanic Caucus in the Congress, who will explain specifically why we so strongly object to not including the Latino and Immigrant Fairness Act in the bill.

Ms. ROYBAL-ALLARD. Mr. Speaker, first of all, as a member of the Subcommittee on Commerce, Justice, State and Judiciary, I would like to associate myself with the comments that

were made by other members of the committee and thank the chairman for his fairness and his friendship. That is one reason that I regretfully rise in strong opposition to H.R. 4942.

Well, there are numerous problems with this bill, and I think the previous speakers have highlighted many of them. I will address one specifically glaring failure.

H.R. 4942 does not include key provisions that would bring fairness and justice to thousands of immigrant families wronged by changes in our immigration laws in the 1990s, changes that have caused families to live in a state of limbo for far too long.

The Latino and Immigrant Fairness Act, or LIFA as it is known, is designed to help families stay together. The importance of including the provisions of LIFA in this bill, I believe, is highlighted best in the story of Sarah Marie Caro, a young woman from Southern California.

Sarah Marie Caro was born in Mexico and was adopted by her U.S.-citizen parents when she was 4 years old. She grew up as an American believing in the values of this country. She learned English, was an honor role student at her public high school and participated in the marching band. She is now 19 years old and is currently studying at a community college to become a teacher.

Last year, while preparing for a family vacation, she applied for a U.S. passport. That is when her world began to fall apart. Sarah Marie was notified that she was ineligible for a U.S. passport because she was an illegal immigrant. Her parents who are U.S. citizens mistakenly thought that Sarah would automatically become a citizen through her court adoption; and, therefore, they never applied to adjust her immigration status.

Sarah has the legal right to her green card as the child of U.S. citizens. But without the protections provided by LIFA, this 19-year-old tragically is left with only two options: one, to remain in the United States illegally and to be part of a permanent underground population; or, two, to leave her family and all she has known for most of her life and go to a strange country for as long as 10 years.

Sarah's plight, and the plight of many deserving immigrants in this country, must be addressed. We must honor our Nation's values of keeping families together, not tearing them apart.

To address the crisis facing families like Sarah Marie, and there are many, it is critical that this bill include the provisions of LIFA, such as 245(i), which was originally in the Senate version of the Commerce, Justice bill and dropped in conference.

Until then, I regretfully must ask my colleagues to vote no on H.R. 4942.

Mr. ROGERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of this legislation. I thank the chairman of the subcommittee for being sure that legislation that I introduced, along with the gentleman from Virginia (Mr. BOUCHER), is included in this legislation.

This is legislation that millions of Americans have been waiting a long time to see, and that is legislation to make sure that satellite owners, millions of satellite dish owners, have the opportunity to have on their satellite dish their local news, weather, sports, emergency information, community affairs information, and end the frustration that they have had, that the satellite dish companies have had, and the local television stations have had of trying to find a way to accommodate people who want to be able to receive their major broadcast networks, NBC, CBS, ABC, Fox, in some instances public television.

They cannot get it right now because only in major metropolitan areas are the local television stations signals being put up on satellite. This legislation is going to enable every single television station in all 211 television markets in the country to have that local station put up on satellite so that folks can get not only their major network programming but also their local news, weather, sports, and other information.

This will encompass more than 170 television markets that are not going to be put up under the current legislative authority that they now have. The major markets like New York and Chicago and Los Angeles, here in Washington, D.C., they get it now; but for millions and millions of American families, they will not.

But I thank the gentleman. I urge my colleagues to support the legislation, which includes the launching of our Communities Access to Local Television Act of 2000.

Mr. ISTOOK. Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), our very distinguished leader.

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

Mr. GEPHARDT. Mr. Speaker, I rise in strong opposition to this combined District of Columbia and Commerce, Justice, State appropriations conference report, a conference report the Republicans decided to put together in a partisan way in the middle of the night last night.

The provisions on the District of Columbia are fine, and we could have supported them. But the other side insisted on putting forward a Commerce, Justice bill without the Latino and Immigrant Fairness Act and without the bipartisan hate crimes legislation that both Houses and Congress have supported.

This is a bill without fairness and without justice, and that is a shame. This could have been a good bill and could have gotten strong bipartisan support, a bill that could have lifted up millions of people in this country.

Instead, this legislation does not include the Latino and Immigrant Fairness Act, the only act that would fix several unfair provisions in our immigration laws. LIFA would have afforded Central American and other immigrants the same treatment Nicaraguans and Cubans previously received. It would have let people stay here with their families, while applying for an adjustment in their status. It would have updated our laws so immigrants who came here before 1986 could stay.

But Republicans inserted watered-down language that denies parity to Central American and other immigrants who have not had the same opportunities to become citizens given to Nicaraguans and Cubans.

□ 1845

It does not do enough to allow people to pay a fee and stay in the United States with their families while applying for an adjustment in their immigration status, and it does not let people apply for citizenship who arrived here before 1986.

This conference report could have made an important advance in civil rights. Instead, a small group of lawmakers decided once again to thwart the bipartisan will of this Congress and the will of a majority of the American people by refusing to include hate crimes legislation. Law enforcement officers would have had the enhanced tools they need to investigate and prosecute these awful crimes. We could have sent a strong message that crimes committed against people simply because of their race, gender, ability, or sexual orientation are evil and offensive. We could have strengthened the values we as a people hold dear: human respect, tolerance, and understanding.

Further, this conference report denies the Justice Department the funding it needs to pursue tobacco companies in court, and it provides inadequate language that does little to protect the privacy of Social Security numbers and prevent them from being bought and sold. Amy Boyer was stalked and killed by a man who purchased her Social Security number over the Internet, and there is no reason why we cannot stop another similar tragedy with tougher protections.

So this bill is an insult to the legislative process. The Republicans have made no effort to address issues that would have secured Democratic support and the President's approval. The President has said he will veto this conference report. I urge my colleagues to reject this legislation. Let us go back to work in a bipartisan way to resolve these important issues. That is what the American people expect us to do, and we should not let them down.

Mr. ROGERS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am not the chairman of the authorizing committee that writes the laws for immigration or naturalization. One would think that this bill, from the comments of the last speaker, is the committee that writes authorizing legislation. We are not that. We are the committee that appropriates the funds for the various agencies that we cover.

If we were the authorizing committee, we could entertain all sorts of authorizing legislation such as the gentleman has just mentioned. But we have an authorizing committee, and the chairman of that subcommittee will speak momentarily, the gentleman from Texas (Mr. SMITH). He does not like the fact that this bill, the appropriation bill, sometimes tries to authorize in his jurisdiction.

The minority leader has just made a great case that he needs to present to the chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary where those issues belong. We are the appropriators. We are not the authorizers. Give us a break.

Mr. ISTOOK. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. DAVIS).

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I wish to clarify that amendments to section 424 of the District of Columbia Home Rule Act are not intended to limit the authority granted to the District of Columbia's Water and Sewer Authority in the District of Columbia to maintain and otherwise independently manage the Water and Sewer Enterprise Fund, create separate District of Columbia Water and Sewer Authority benefits, payroll, financial, and budgetary systems, or to implement and manage a separate procurement system. Is that the chairman's understanding?

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. The gentleman from Virginia is correct, that is my understanding.

Mr. DAVIS of Virginia. I thank the chairman for his support and cooperation.

Mr. MORAN of Virginia. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY) to make a telling point.

Mr. OBEY. Mr. Speaker, the distinguished subcommittee chairman, after we have seen the majority try to attach literally dozens and dozens of authorization provisions, he now says, oh, we could not act on the immigration problem because it is an authorizing issue. This committee has been willing to authorize to shred privacy, but it is not willing to authorize in order to protect human dignity. I think that is a telling difference.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. GUTIERREZ), the sponsor of the three provisions of the Latino and Immigrant Fairness proposal.

Mr. GUTIERREZ. Mr. Speaker, on the other side of the aisle they continue to claim that the Democrats' Latino and Immigrant Fairness proposal is dangerous, radical, unprecedented. It is an amnesty, they say.

Well, where have they been? Clearly, they have forgotten American history, the history of a Nation built by and defended by immigrants. What is surprising is they do not even remember their own recent Republican record.

In 1997, this Republican-led Congress did the right thing and granted amnesty to tens of thousands of Nicaraguan and Cuban refugees authored by the gentleman from Texas (Mr. SMITH). That is the same relief we seek today for refugees who entered the U.S. from the same region for the same reasons at the same period of time. Why can we not give to Hondurans, Guatamalans, Salvadorans, and, yes, Haitians, the same protections we were able to give, led by this Republican-controlled Congress? They forget their history.

Where were they, those who claim today that this is unprecedented, when this House voted in 1997 to instruct the conferees to extend 245(i)? I am sure the chairman remembers when we won that vote. Why did he have that vote? Because the gentleman from California (Mr. ROHRABACHER) and the gentleman from Texas (Mr. SMITH), both my friends, demanded a vote. And they lost the vote, big time. Why did they lose the vote? Because Republicans and Democrats joined together to say immigrant families should stay together. And then a closed-door back-room deal killed it after we won it right here on the House floor.

And where were they when President Ronald Reagan signed a broad 1986 legalization bill? Did they protest? Did they claim he was coddling criminal aliens? No, they honored Reagan and idolized him, even today naming a post office for him. Not only are Latino and immigrant fairness proposals consistent with American values, they are consistent with policies when they serve the GOP that they have wholeheartedly supported.

Let us do the right thing. My colleagues have done it before; let us do it again. Name the post office for Ronald Reagan and follow the law he signed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would prefer that Members remain within the time constraints on debate yielded to them.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. OXLEY), the chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection in the House.

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

Mr. OXLEY. Mr. Speaker, I want to thank the subcommittee Chairs and the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, for their work on this effort.

Mr. Speaker, this bill is perhaps the most notable for what is not in the bill than perhaps what is. One of the measures that is not in it contained a Senate provision that, under the guise of spending restrictions, would have changed governing law and abrogated U.S. commitments to open worldwide telecommunications markets, and it was wisely kept out of this bill.

As the chairman of the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce, the absence of any legislative riders pertaining to our Nation's securities laws was also most appreciated. This is going to have to wait until the next legislative session, when I hope I can work together with the chairman, the gentleman from Kentucky, on this issue.

There are two significant matters pertaining to this bill that have actually been considered under regular order and passed by the Committee on Commerce and House in overwhelming margins. The first is the Local TV Act that the gentleman from Virginia (Mr. GOODLATTE) had talked about. This measure also includes a provision that I advocated, along with the majority leader, the gentleman from Texas (Mr. ARMEY), requiring an independent test of interference caused by terrestrial video services sharing the DBS band. It is very important to determine once and for all whether that interference causes problems with satellite television.

Finally, the bill includes the provisions of my measure, H.R. 3439, the Radio Broadcasting Preservation Act. For all those reasons and more, I strongly support this legislation.

Mr. ISTOOK. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I rise in support of the District of Columbia and Commerce, Justice, State conference report for some very parochial reasons. Specifically, I rise in support of the $1.25 billion Federal loan guarantee that this report provides for companies who wish to provide local satellite and cable services to our rural areas.

Earlier this year, my district received direct hits from a series of tornadoes. More than a dozen people were killed and hundreds were left homeless as a result of the tragedy. It has been reported that these tornadoes were perhaps the worst in Georgia history. The outcome of these tornadoes may not have been so devastating if my constituents could have accessed our local weather service.

The passage of last year's Satellite Home Viewer Act did eliminate a legal obstacle, but there are still some financial hurdles. As we know, the satellite companies claim that they are unable to provide local service to all 210 markets.

Mr. Speaker, the people in my district need to be able to access their local channels in order to be aware of any emergencies. Today's report will perhaps put an end to those financial hurdles that prevent that and open up the satellite market to the majority of Americans and make satellite and cable TV available for the local people in my area, particularly in areas like those that were hit by the tornado in Mitchell and Grady Counties earlier this year on February 14.

Mr. Speaker, I would like you to understand that my district is one of the many districts that cannot receive its local broadcasting. This issue is of vital importance to my district. After the storm, I have received numerous complaints from my constituents stating that they were unaware of the dangerous storm and unable to properly prepare for its arrival. If they were able to view their local stations, perhaps some lives might have been saved.

In fact, they only plan to provide local broadcast service to the top 30 to 60 markets. The two viewing areas, of Thomasville and Albany, located in my district are ranked 114 and 148 in the market, respectively. Given this, my district would not receive their local broadcasting via satellites.

Mr. Speaker, I urge immediate passage of this Conference Report.

Mr. MORAN of Virginia. Mr. Speaker, let us find out how much time each side has, and perhaps the Chair might share with me who has the right to close as well.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. MORAN) has 6½ minutes remaining, the gentleman from Oklahoma (Mr. ISTOOK) has 1 minute remaining, the gentleman from Kentucky (Mr. ROGERS) has 5½ minutes remaining, and the gentleman from Oklahoma (Mr. ISTOOK) has the right to close.

Mr. MORAN of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, on behalf of the gentleman from Michigan (Mr. LEVIN) and myself, I would like to enter into a colloquy with the chairman.

We understand the chairman placed $.5 million for the Congressional-Executive Commission on China. As the gentleman knows, it will not be operating for much of the year because we need to staff it up. I understand the gentleman has looked at it and considers this is not a benchmark for fiscal year 2002, but that perhaps the gentleman's staff is in agreement that it would take approximately $1.3 million for the upcoming fiscal year 2002.

Is my understanding correct on that matter?

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Kentucky.

Mr. ROGERS. The gentleman's understanding is correct.

Mr. BEREUTER. I thank the chairman.

Mr. ROGERS. Mr. Speaker, I yield 30 seconds to the gentleman from southwest Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Speaker, I thank the gentleman for yielding me this time, and I also rise in support of this conference agreement, primarily because it contains the Local Signal Act and is the only opportunity by which the residents of rural America and the small- and medium-sized cities around the Nation will have the opportunity to receive by their satellite dishes the new local-into-local television service.

I introduced the original version of this measure with my colleague, the gentleman from Virginia (Mr. GOODLATTE). It serves a very urgent local need for rural Americans, and because this conference agreement contains that provision, I strongly urge its adoption.

Mr. MORAN of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

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Ms. JACKSON-LEE of Texas. Mr. Speaker, I sit on the Committee on the Judiciary. I would like to respond to the issue of the Latino Immigration Fairness Act and the authorizing committee.

We made every effort to respond to this issue in the authorizing committee, but we were denied by the Republican majority. I would like to support this legislation. It is an important piece of legislation. But I think it is important to reunite families, the same as we did for Eastern European families a few years ago.

This legislation now is the only vehicle to be able to answer the concerns of Haitians, Hondurans and Guatemalans and others who were left out. We need parity.

In addition, this is the only vehicle that we can support the Hate Crimes legislation that has been denied to many States in this country. I think James Byrd, Jr.'s, heinous murderous deceased condition obviously warrants us passing both the Hate Crimes legislation and, as well, this legislation with the Immigration Fairness Act included.

I ask for my colleagues to vote against this legislation.

Mr. Speaker, I rise to express my outrage that this House has brought forth the important Commerce-Justice-State Conference Report to be voted on; yet the Republican leadership has not felt the need or importance to include language to address the dreadful acts of hate crimes. This move by the Republican leadership is a slap in the face to the many people here in the United States who have historically been subjected to hateful acts resulting in death, bodily harm, as well as mental and physical anguish, only due to a person's race, ethnicity, gender, age or sexual orientation.

How can we as elected representatives for the American people ignore our duty to ensure that all people are treated equally? How can we ignore our moral oath to protect people from hateful acts that arise because of a person' race, ethnicity, gender, age or sexual orientation? How can we allow hateful skeleton's of this country's past to be revived and allowed to infect our society today. Mr. Speaker, this chambers' silence on the need for hate crimes legislation would do just that, and the absence of hate crimes language in the CJS Conference Report sends the message that this country's stance on crimes of hate is not a top priority.

This issue is very dear to me and I am ashamed that after two years from the date of James Bryd Junior's vicious murder on a paved road in my home State of Texas, that a Bipartisan Hate Crimes Prevention Act has not become law.

Time and time again, I have come to the floor and asked the Republican leadership to support meaningful hate crimes legislation. I have introduced my own hate crimes legislation and have supported legislation and resolutions introduced by my colleagues in both the House and the Senate. Yet, I find myself coming before the American people once again to compel the Republican leadership to include hate crimes language in the CJS Conference Report in order to increase penalties on perpetrators of hate crimes before the 106th Congress comes to a close.

Mr. Speaker, the same tactics that have been used in the Texas State legislature to run out the time in the legislative session to defeat the passage of hate crimes legislation have been used here in the United States Congress as well. When the James Byrd, Jr. Hate Crimes Act was introduced in my home State of Texas in January 1999, it was hastily defeated in the State Senate. And when state Democrats attempted to negotiate with Republicans in the State Senate and the Governor's administration to get a bipartisan hate crimes bill passed, political games were played to extend the process until the end of the state legislative session.

As I have stated, this political ploy was not only used in my home State of Texas, but it has been used here in both chambers of the United States Congress as well. We have attempted to negotiate with members of the Republican party to get hate crimes legislation passed within the 106th Congress, however, political games and wizardry have been used to delay the process until the congressional session comes to an end.

I therefore, call on the Republican leadership, with the American People as my witnesses, to once again ask for the passage of hate crimes legislation to address senseless killings and crimes of hate and to make a statement that the United States will no longer tolerate these Acts.

Since James Byrd Junior's death our nation has experienced an alarming increase in hate violence directed at men, women and even children of all races, creeds, and colors.

Ronald Taylor traveled to the eastside of Pittsburgh, in what has been characterized, as an act of hate violence to kill three and wound two in a fast food restaurant. Eight weeks later, in Pittsburgh Richard Baumhammers, armed with a .357-caliber pistol, traveled 20 miles across the West Side of Pittsburgh where he killed five people. His shooting victims included a Jewish women, an Indian, ''Vietnamese,'' Chinese and several black men.

The decade of the 1990s saw an unprecedented rise in the number of hate groups preaching violence and intolerance, with more than 50,000 hate crimes reported during the years 1991 through 1997. The summer of 1999 was dubbed ''the summer of hate'' as each month brought forth another appalling incident, commencing with a three-day shooting spree aimed at minorities in the Midwest and culminating with an attack on mere children in California. From 1995 through 1999, there has been 206 different arson or bomb attacks on churches and synagogues throughout the United States—an average of one house of worship attacked every week.

Like the rest of the nation, some in Congress have been tempted to dismiss these atrocities as the anomalous acts of lunatics, but news accounts of this homicidal fringe are merely the tip of the iceberg. The beliefs they act on are held by a far larger, though less visible, segment of our society. These atrocities illustrate the need for continued vigilance and the passage of the Hate Crimes Prevention Act.

It is long past the time for Congress to pass a comprehensive law banning such atrocities. It is a federal crime to hijack an automobile or to possess cocaine, and it ought to be a federal crime to drag a man to death because of his race or to hang a person because of his or her sexual orientation. These are crimes that shock and shame our national conscience and they should be subject to federal law enforcement assistance and prosecution.

Therefore, I would urge my fellow members of the United States Congress and the American people to be counted among those who will stand for justice in this country for all Americans and nothing else. We must address the problem of hate crimes before the 106th Congress convenes its legislative business.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished minority ranking member.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, just one other point on this bill. I find it ironic that the only dollar item in this bill over which there is a dispute is the provision which prevents funding for the Government to proceed with a suit against the tobacco companies for past losses to the Federal Treasury due to the use of tobacco.

I find that ironic because that small amount of money that the President had asked for could have the potential of bringing billions of dollars into the Treasury to help us pay for the cost of veterans' medical care and to help us pay for the cost of Medicare in general. It just seems to me that is an incredibly short-sighted decision to make.

All I would say, in summary, is that the main reason to oppose this bill is that it should not have been brought to the floor in the first place in the shape it is in today. We are trying to resolve our differences and end this session. Instead, this bill exacerbates our differences and extends the session.

I do not see how that is constructive. I do not see how that gets our work done. This is a dead-end bill. It is going nowhere. If the Senate passes it, which I doubt, the President most certainly will veto it. All it means is that we have together with what the House has done on the tax bill wasted a full day that could have been used to reconcile differences rather than further emphasize them.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the D.C. bill is a good bill. It should be going to the White House tonight to get it signed.

I applaud the gentleman from Oklahoma (Mr. ISTOOK) for the compromise that has brought us to this point on the D.C. bill. I regret that the gentlewoman from the District of Columbia (Ms. NORTON) cannot be here to express the same sentiment.

The problem is it has been attached with the Commerce-State-Justice bill, of which many provisions are terrific. It could be a very good bill. But as the President has said in his veto message, there are some things that could and should have been changed.

One of them, as the gentleman from Wisconsin (Mr. OBEY) has said, would allow the Justice Department to pursue litigation to recover billions of dollars that have been lost to the Medicare-Medicaid program particularly through tobacco-related illness.

Another is hate crimes legislation. Another is the anti-environmental rider that the gentleman from California (Mr. GEORGE MILLER) has spoken to.

Another is a very troubling concern with regard to privacy protection of Social Security numbers. That language, I think, when it was revealed by the gentleman from Massachusetts (Mr. MARKEY), shocked many Members that that kind of language could be in this bill. But what we have spoken about primarily is the fact that the Latino Immigrant Fairness Act is not included in this bill. This is the last appropriate vehicle for this legislation to be included.

The problem is that there are hundreds of thousands of families who this country has discriminated against unfairly that need this legislation. I say discriminated against because all we had to do was to treat all Central and South American refugees in the same way we treated Cuban refugees and Nicaraguan refugees. It does not matter whether they are escaping from a right-wing dictatorship or a left-wing dictatorship. If they need refuge in this country, we ought to treat them all the same. But instead, the language in this bill would perpetuate the current patchwork of contradictory and discriminatory policies enacted by this Congress.

In fact, we have enacted a mean-spirited law that vacated Federal lawsuits on behalf of those wrongfully denied legalization in the 1980s.

What we are talking about are families who have been here for more than 15 years who have been working hard, who have been paying taxes, who have been contributing to their community. Very few are on any form of welfare. They, in fact, are contributing so much to our economy, doing the kind of labor that a whole lot of Americans would not want to do and certainly not the wages that they have been getting, that if they were deported, it would cripple our economy in many parts of this Nation.

I know in my own district, if we deported these people that have been contributing so much to our economy, it would cripple many sectors of our industries. The fact is they are building our buildings. They are helping to repair our streets. Many are cleaning homes. They are doing anything they have to do to work hard to be able to provide for their families. They are Americans.

And who are we to say? There is not a Native American here among the Congress. We are all immigrants. This is a Nation of immigrants. We are talking about people who have come to this country because they believe in the American dream. They have been working hard. They have been paying taxes. They have been contributing to our economy and our society. They are people of faith, faith in their God, faith in this country, and faith that we will not discriminate against them.

So this is our last opportunity. That is why we made such a big deal about including this legislation. It should have been included. Because it was not, we have to urge a no vote on this bill.

Mr. ROGERS. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. SMITH) chairman of Subcommittee on Immigration Claims of the Committee on the Judiciary.

Mr. ISTOOK. Mr. Speaker, I also yield the balance of my time to the gentleman from Texas (Mr. SMITH).

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SMITH) is recognized for 5½ minutes.

Mr. SMITH of Texas. Mr. Speaker, first of all, I want to thank my two friends, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Kentucky (Mr. ROGERS), for yielding me the time.

Mr. Speaker, the immigration provisions in this bill unite immigrant families and reward those who play by the rules. This policy is pro-family and pro-immigrant. The bill speeds up the admission of immigrant spouses and minor children of legal permanent residents so they can join their husbands and wives and mothers and fathers who are already in the United States. Their wait now can be up to 6 years, and we want to shorten that.

Another provision responds to one group seeking amnesty who deserves our help, those who met the conditions set out for amnesty under the Immigration Reform and Control Act of 1986 and who may have wrongly been denied legal status by the INS. This bill would allow those aliens to apply again.

Mr. Speaker, the White House wants to give amnesty to people who came to the United States illegally, who promised to return to their home countries, and failed to do so. We learned from the 1986 amnesty that amnesty does not end our illegal immigration problem. It actually precipitates even more illegal immigration, as individuals are encouraged in the belief that if they can just elude the Border Patrol and stand underground for a few years, they will eventually get amnesty themselves. It is no surprise illegal immigration doubled after the 1986 amnesty.

As for the White House proposal, let us do talk about fairness. Central Americans already have received what they demanded in 1997. After the 1996 law changed the requirements of suspension of deportation, Salvadorans and Guatemalans asked that they be able to pursue suspension of deportation using the pre-1996 standards. That is exactly what we gave them in 1997.

In addition, Honduras did not even have a civil war but has had a democratically elected government since 1982. Some Hondurans are currently in the United States with temporary protected status due to Hurricane Mitch in 1998. Their temporary status should not become permanent. Otherwise Congress might as well turn the temporary protective status into a permanent amnesty program.

I will say to my friend, the gentleman from Illinois (Mr. GUTIERREZ), who mentioned my name a few minutes ago, that, number one, I was not in Congress in 1986 or I would have opposed the 1986 amnesty. And second, that there is a big difference between those who suffered under a communist totalitarian regime the U.S. government opposed, such as in Cuba and Nicaragua and fled the country, and those who left the country whether it was a government we supported, such as in El Salvador and Guatemala.

The administration wants to include a provision that allows illegal aliens to legalize their status by paying a fine of $1,000. This is clearly an incentive for illegal immigration. Allowing illegal aliens to adjust status in the U.S. would reward them for violating the law and would serve as an open invitation for those waiting in line to enter the U.S. illegally.

Hispanics across America agree with us. A recent poll by the ''San Jose Mercury News'' found that three times as many Hispanic voters feel the Government is not doing enough about illegal immigration as think the Government is doing too much.

Mr. Speaker, the White House wants to reward law-breakers, which increases illegal immigration. They would give amnesty to as many as 2.5 million people, including dependents, who entered the United States illegally as recently as 1995.

Mr. Speaker, let us unite families, reward those who play by the rules, and give those who are wrongly denied legal status in 1996 an opportunity to reply. Supporting this bill does just that.

Mr. Speaker, I want to conclude by saying that I was reminded by the majority leader, the gentleman from Texas (Mr. ARMEY), a few minutes ago that if anyone is in doubt about whether to support this bill, they should give their case worker back home in their district office a call who works on immigration matters and they will tell the Member just how beneficial this bill is.

Ms. STABENOW. Mr. Speaker, I rise today to express my intention to vote for this agreement, despite a significant shortcoming. I will support it because this legislation contains important funding for embassy security, counterterrorism activities, gun law enforcement, additional border patrol agents, and the COPS Program. I am the author of legislation to reauthorize the COPS Program, and the conference report provides $1 billion for the program in Fiscal Year 2001, a $437 million increase over last year. Included in this funding is an additional $75 million for gun crimes prosecutions in high violence areas, as well as $140 million for a new COPS technology initiative.

However, I do have serious concerns about provisions in this package that could weaken protections regarding the sale of Social Security numbers over the Internet. I am the cosponsor of bipartisan legislation, H.R. 4857, the Privacy and Identity Protection Act of 2000, that addresses the fraudulent misuse of Social Security numbers. This type of corrective language is what should be a part of this package. President Clinton has threatened to veto this legislation because of this deficiency, and if he follows through on that action, we should take that opportunity to strike these provisions from the conference report.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as the Ranking Member of the Subcommittee on Immigration and Claims, I have recently become even more sensitized to the needs and operations of the Immigration and Naturalization Service. The Immigration and Naturalization Service is underfunded and in many areas there is mismanagement and chaos.

I have also had the opportunity to speak with Members of Congress about the INS and have listened to their concerns. The concerns that I hear over and over again from my constituents and from other Members of Congress is that something must be done about the backlog of casework within the INS districts offices.

I am gratified that $4.8 billion was allocated for Enforcement and Border Affairs for the INS, which is 13% more than FY 2000 funding which will allow for the hiring of additional border patrol agents.

As this body well knows, the 1996 Immigration Law authorized a total of five thousand additional Border Patrol agents, to be added at the rate of one thousand per fiscal year from 1997 to 2001. INS did not request any additional agents in its proposed budget for FY 2000. This is greatly due to the lucrative job market and the low unemployment rate. The average salary for a starting Border Patrol Agent is at a GS–5 level which is $22,000 per year.

Last year, Congressman REYES and I introduced H.R. 1881, the Border Patrol Retention and Recruitment Act. The Border Patrol is not able to recruit enough agents to meet this authorizing level. When the appropriators keep allocating each year an additional $100 million each year for the INS to hire 1000 additional agents, and the INS is unable to recruit these agents, then what the Congress is doing is leading the horse to the water but not helping him drink. In the CJS bill last year language was added that raised the staring salary level from GS–5 level to GS–7 level, to slightly over $30,000 and that was very good.

Lastly, the Congress needs to continue to fund the INS with the necessary monies for them to decrease their citizenship and adjudication backlogs. There is not sufficient money in this Conference bill to do so.

I am also very disappointed that the $20 million for the PowerUp program is not in the bill. The PowerUp empowers the Attorney General to make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to bridge the digital divide in our nation's communities.

The Boys and Girls Clubs of America have 2,300 clubs throughout all 50 states and building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and alternative to crime for at-risk youth.

Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

Mr. WATTS of Oklahoma. Mr. Speaker, today I rise in support of H.R. 4942, the D.C./Commerce, Justice, State Appropriations bill for FY 2001.

Mr. Speaker, this conference report takes great strides to assist our law enforcement officers in the battle against illegal drugs. This bill will provide millions of dollars in assistance to local law enforcement organizations across our nation as they fight to eliminate drugs from our communities. One of the drugs that has become an increasing threat to all of our communities is methamphetamine. This drug is a danger not only to those who use it, but also to those who reside near areas where it is produced. The production of methamphetamine produces highly toxic fumes that can be lethal if inhaled.

In my home state of Oklahoma, the Oklahoma State Bureau of Investigation has been combating this drug at every step. Meth lab eradication and cleanup is dangerous to our law enforcement officers and to the surrounding community, and expensive to enforce. Mr. Speaker this fine piece of legislation will provide the Oklahoma State Bureau of Investigation with the resources to win this battle against a truly devastating drug.

Mr. Speaker I urge my colleagues to support H.R. 4942, the D.C./Commerce, Justice, State Appropriations Conference Report.

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of this important bill. In particular, this legislation includes important language that will extend the benefits of a bill passed nearly a year ago to all Americans, instead of those in our most populated urban

centers. That bill, the Satellite Home Viewer Act, was designed to address a problem experienced by thousands of Americans who are frustrated that they either could not receive their local network signal or had to receive a poor quality local network signal through a rooftop antenna rather than receive a network signal through their satellite provider. The bill addressed this by allowing direct broadcast satellite providers to immediately begin retransmitting local television broadcast signals into the broadcast station's area.

Consumers across the country expressed their support for this legislation and the availability of 'local-into-local' technology. I know my office received thousands of letters and calls from constituents concerned about this issue. This new law allows satellite providers to become more effective competitors to cable operators who have been able to provide local over-the-air broadcast stations to their subscribers for years. It will also benefit American consumers in markets where local TV via satellite is made available by offering them full service digital television at an affordable price.

More importantly, these consumers will benefit from local news, weather reports, information such as natural disasters or community emergencies, local sports, politics and election information as well as other information that is vital to the integrity of communities across the country. Local TV via satellite is already available to satellite subscribers in America's 20 largest television markets. In these markets, DirecTV and Echostar, the existing satellite platform providers, have begun retransmission of affiliates of the ABC, CBS, NBC, and Fox broadcast networks. DirecTV and Echostar have also announced their intention to begin retransmission of local TV stations in an additional 20 or 30 television markets over the next few years.

Ultimately, the two existing satellite platform providers will provide local TV via satellite to households in most if not all of the 50 largest television markets in the United States. However, there are 211 television markets in the United States, and in excess of 100 million U.S. TV households.

Unfortunately, if matters are left solely to the initiative of the existing satellite platform providers, more than 50 percent of existing satellite subscribers, over 6 million households, will continue to be deprived of their local TV stations; more than 60 percent of existing commercial television stations, over 1,000, will not be available via satellite; and more than 30 million U.S. TV households will remain beyond the reach of local TV via satellite. Put another way, local TV via satellite will not be available in 27 States.

So while the law enacted last fall has eliminated the legal barriers to delivery of local TV via satellite, it alone will not assure delivery of local TV via satellite to the majority of local TV stations and satellite subscribers. For that reason I have joined with my colleagues in the House to introduce legislation that will assure that all Americans, not just those in the most profitable urban markets, can receive their local TV signals in a way that provides local information in a competitive environment for consumers.

This legislation we are considering today represents a carefully negotiated compromise between versions passed by the House and the Senate earlier this year. I want to express my appreciation to members of both bodies and from both parties for their willingness to work together to reach this agreement. Like the original House bill, the substitute authorizes the administrator of the Rural Utilities Service, with the input of the National Telecommunications and Information Administration, to administer loan guarantees not exceeding $1.25 billion for providing local broadcast TV signals in unserved and underserved markets.

The loan guarantees will be approved by a board consisting of the Secretaries of Agriculture, Commerce, Treasury, and the Chairman of the Federal Reserve. This is a change from the House-passed bill, which did not include the Federal Reserve Chairman on the board. Like the House-passed bill, the loan guarantee may not exceed 80 percent of a loan, and the board may not approve a loan guarantee for a project that is primarily designed to serve one or more of the to 40 markets. The bill also retains House-passed restrictions on which lending institutions can qualify for loan guarantees. In addition, the bill retains a House-passed prohibition on the use of the loan guarantee for the acquisition of spectrum. Finally, like the House bill, the board is directed to give priority consideration first to unserved areas, then to underserved areas.

Unserved areas are defined as areas outside Grade B where there is no access to local signals from a for-profit multichannel video provider. Underserved areas are defined as those areas outside Grade A where there is no more than one for-profit multichannel video provider. The priority language has been modified slightly to clarify that the board must seek a balance in approving projects that serve both unserved and underserved areas.

The bill includes language from the Senate-passed version that encourages the delivery of Internet and weather service signals, but it has been clarified to ensure that the primary purpose of the bill is the delivery of local broadcast signals. The bill also deletes language in the House bill allowing the RUS Administrator (rather than the board) to approve and administer guarantees for loans of less than $20 million. The bill retains limitations on the use of the loan guarantees by cable provides in their franchise areas, but modifies the language to ensure that in areas where the incumbent cable provider is not required to provide service, the bill remains technology neutral. The bill also includes two technical changes to the credit risk premium and administrative fee language. Finally, the bill removes two unrelated provisions included in the House-passed bill related to translator services and copyright must-carry laws.

In addition, this compromise incorporates several suggestions made by the Administration and the Office of Management and Budget. These changes include: (1) the elimination of language allowing the loans to be split, which would allowed the unguaranteed portion to be sold in the market; (2) the elimination of language allowing the guaranteed loan to be less than fully collateralized; (3) several technical corrections related to the Federal Credit Reform Act; and (4) the inclusion of language requiring that the board adhere to the Administrative Procedures Act. All of these changes will strengthen the protection of taxpayer interests and prevent unwarranted increases in the cost of the program to the Federal government.

Mr. Speaker, legislation similar to this bill passed the House by a vote of 375–37 and passed the Senate by a vote 97–0 earlier this year. While we were unable to convene a formal conference, this agreement we are considering today is a bipartisan compromise that we can all be proud of. In particular, I want to thank Senator GRAMM and Senator BURNS for their help on reaching this agreement. Senator BURNS represents the State of Montana, a rural area that is vitally impacted by this legislation. Both he and Senator GRAMM are to be commended for their leadership in getting this legislation passed through the United States Senate. Senator LOTT, Senator STEVENS, Senator ASHCROFT, Senator GRAMS, Senator THOMAS, Senator HATCH, Senator LEAHY, Senator HOLLINGS, and Minority Leader DASCHLE are also to be commended for their hard work in negotiating this agreement.

The bill is crucial for Americans in rural and smaller markets who rely on their local television stations for news, politics, weather, sports, and emergency information. Local television is often the only lifeline folks have in cases of natural disasters such as hurricanes, tornadoes, blizzards, earthquakes, or flooding. The bill's language to encourage the delivery of local television signals to these constituents in America will not only benefit consumers, it will save lives.

Mr. Speaker, in closing, I want to thank several individuals in the House, most importantly my colleague from my adjoining district in Virginia, Mr. BOUCHER, whose leadership has been absolutely vital. He too has a district like mine that badly needs this legislation, but he too recognizes the importance of this to all of America. Mrs. EMERSON, Mr. BEREUTER, Mr. THUNE, and Mr. SHIMKUS have also been strong supporters of this bill.

I also want to thank the gentleman from Louisiana, Mr. TAUZIN, the chairman of the telecommunications subcommittee, who has also worked tirelessly to see that this legislation becomes law this year. I also want to commend the gentleman from North Carolina, Mr. COBLE, and the gentleman from Illinois, Mr. HYDE, from the committee on the Judiciary. I especially want to thank the Majority Leader, Mr. ARMEY, for his dedicated work in forging this compromise. Finally, from the Committee on Agriculture, the gentleman from Texas, Mr. COMBEST, the gentlelady from North Carolina, Mrs. CLAYTON, and the gentleman from Texas, Mr. STENHOLM, have all provided valuable support for this legislation. I thank them all.

Mr. BLUMENAUER. Mr. Speaker, I oppose the combined D.C./Commerce-Justice-State Appropriations Conference Report.

Attaching the DC appropriations to the larger Commerce—Justice—State bill once again does a great disservice to the people of the District. The DC portion of the conference report is a great improvement over the version passed earlier by the House. It includes provisions that increase funding for two projects that I have strongly supported: $25 million for the New York Avenue Metro Station, and $3 million for environmental clean-up of Popular Point along the Anacostia River. Both projects are top priorities for residents and the City to help spur new economics development activity for the District. Combining it with the larger Commerce-Justice-State bill, which contains provisions wholly unacceptable to the President, means that once again the District is

being held hostage to Congressional tactics. It is unnecessary and it is wrong!

This bill fails to include critical provisions that would bring fairness and justice to our nation's immigration laws. Last month, I joined 154 other House Democrats in sending a letter to President Clinton promising to sustain a veto of this bill should the Republican majority fail the Hispanic community yet again. While Republicans speak of compassion, their actions tear families apart and support inequalities in our laws. The Latino and Immigrant Fairness act (LIFA) provisions are critically-needed pieces of legislation that would bring fairness to families and individuals who call America home, and who have made significant social, economic, and political contributions to our nation.

I am cosponsoring legislation calling for all three of LIFA's provision: to allow those who qualify for permanent residency to complete the final stages of their application in the U.S. rather than returning to their country of origin; to provide Central American and Caribbean immigrants who have been here since 1995 the right to apply for permanent residency (as is the case for Cubans and Nicaraguans); and to update the ''registry date'' which would allow immigrants here since 1986 to apply for permanent residency. Unfortunately, the Republican leadership will not permit a vote on our legislation and attaching it to appropriations legislation is the only way this Congress can provide justice to these families.

I am also disappointed about the failure of this conference report to include the hate crimes enhancement law as the Administration had requested. Along with more than 190 Members of the House from both parties, I cosponsored the legislation to extend current federal hate crimes law to cover violence motivated by prejudice against the victim's sexual orientation, gender or liability. It will not become law this year because Republican leaders have shown once again that they are opposed to passing the legislation in any form. We have a long way to go on to ensure the safety on all citizens. I will continue to support efforts to fight hate crimes and discrimination.

This legislation also does a disservice to the environment. Section 636 of the bill would prevent the Cuyahoga Valley National Park from gaining stronger clean air protections. Provisions in the bill also allow Coastal Impact Assistant funds to be used for environmentally damaging projects and activities, making a mockery of ongoing efforts to restore our endangered coastal areas.

Mrs. EMERSON. Mr. Speaker, I rise in support of Section 1012 of the Launching Our Communities Access to Local Television Act of 2000, Title X of the Commerce, Justice, and State, the Judiciary and related agencies appropriations conference report. Section 1012 provides for independent testing of terrestrial technologies in the 12 GHz band. My support for this section is conditioned on the understanding that this provision will not add any delay to any current FCC proceeding.

The Satellite Home Viewer's Improvement Act (''SHVIA''), which we passed a year ago, required the FCC to act on applications to provide local television service in unserved and underserved areas. We gave the FCC one year to make its determinations regarding these applications, which at that time had already been pending before the FCC for nearly one year. I am highly aware of the need for local television and broadband services that can be provided by new terrestrial wireless technologies. The deadline for FCC action under SHVIA is fast approaching and I expect the FCC to act on the applications by November 29, 2000 as required. The residents of my rural district have waited too long for service that matches that which is available in our nation's more populated areas.

Ms. LEE. Mr. Speaker, I rise today in strong opposition to the Commerce, Justice, State and District of Columbia Appropriations conference report.

In particular, this bill blatantly fails to address our nation's outstanding immigration issues.

During the Reagan years, we supported wars in many Latin American countries.

Thousands fled this violence.

While many people have found sanctuary in the United States, America has not lived up to its commitment to provide resident status to these refugees. We made promises that we have not fulfilled.

In fact, there are over 100,000 immigration cases that remain unresolved from the Reagan-Bush era.

These cases are nearly 20 years old and have left many immigrants in legal limbo.

They have been denied expedited status because they did not come from the ''right'' countries.

It is past time to correct the unfair and unequal treatment among Central American, Latin American, Carribean and African refugees.

Individuals and families who now have deeply imbedded roots in the United States must be given residency status.

We are not, as some have charged, giving blanket amnesty to hundreds of thousands of illegal immigrants.

Those people have played by the rules and they deserve fairness and justice.

Immigrants are hardworking and have helped our country propser. They exemplify ''family values''.

In my district and throughout America, the immigrant community has made significant contributions from which we all benefit.

We must not shut our doors on them.

I urge my colleagues to join me in opposing this conference report.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am very disappointed in what the Republican leadership brought to floor in the form and guise of the Commerce, Justice, State Appropriations. As Ranking Member of the Subcommittee on Immigration and Claims, I am mostly concerned about the Latino Immigration Fairness Act. (LIFA) The phrase ''compassionate conservatism'', has very hollow meaning, if you just talk the talk and not walk the walk. This LIFA proposal is the modern day civil rights issue of our time, and just 12 days to election day, the Republicans are thumbing their noses at immigrants who have contributed to our society and are trying to play by the rules. I say not deal to this proposal, and I urge a no vote.

This involves amnesty for immigrants who have paid their dues and have been in this country since 1986, parity for Liberians, Guatemanlans, Haitains, and Hondurans, and restoring Section 245(i), which allows immigrants to adjust their illegal status, pay a fee, and remain in this country with their spouses and children. These are reasonable proposals, and the Republican leadership has a blind eye for fairness, for justice, and equity.

The Republican proposal to provide relief to only 400,000 immigrants who were unable to take advantage of the 1986 law for those entering the country before 1982 is unacceptable. It is unacceptable because it leaves and locks too many people out. This is a proposal that is thinly veiled as an open door, but it really is a feeble attempt to play up to the Hispanic vote during the political season.

The Republican legislation is a piecemeal correction of the flawed implementation of the 1986 legalization program. Basically, those individuals who sought the counsel of a specific lawyer and filed suit with him are protected, while countless others are left out. Of those people who are covered in the flawed proposal, less than 40% are expected to prevail. If the GOP acknowledges that the 1986 law was not implemented correctly, they should try to right the wrong entirely, not pick some winners and losers based on what law firm they signed up to represent them.

Also, it is important to understand that this ''amnesty program'' in fact is just a long overdue update in the registry provision of the Immigration and Nationality Act. The registry provision gives immigrants who have been here without proper documents an opportunity to adjust to permanent status if they have been here for a long enough time and have nothing in their background that would disqualify them from immigrant status. The legislation would just update the cutoff date for registry which is now set at 1972.

Then there is Juan Gonzalez who has been working for a construction company in Houston, Texas for more than 13 years. Recently he lost his job because he was not able to present his employer a renewed Employment Authorization. Since then his family is living a nightmare. Juan and his wife Luisa are having problems and close to a divorce. They lost their home and rented a 2-bedroom apartment. Unfortunately, their children are paying the consequences.

We also need to remain ever vigilant on NACARA parity. This would address an injustice in the provisions of the Nicaraguan Adjustment and Central American Relief Act of 1997 (''NACARA''). NACARA currently provides qualified Cubans and Nicaraguans an opportunity to become lawful permanent residents of the United States. The proposed legislation would extend the same benefits to eligible nationals of Guatemala, El Salvador, Honduras, and Haiti. The bill that the Republicans have brought to the floor has completely left NACARA parity out. I say no deal, and a no vote.

Like Nicaraguans and Cubans, many Salvadorans, Guatemalans, Hondurans, and Haitians fled human rights abuses or unstable political and economic conditions in the 1980s and 1990s. The United States has a strong foreign policy interest in providing the same treatment to these similarly situated people. In addition, returning migrants to these countries would place significant demands on their fragile economic and political systems.

Like Senator JACK REED, I have worked very hard to ensure that the 10,000 Liberian nationals who have been living in the United States since the mid-1980's and have significantly contributed to the American economy are not deported. This legislation should also include these Liberian nations.

If the Latino Immigrant Fairness Act is not enacted, hundreds of thousands of people will be forced to abandon their homes, will have to separate from their families, and return to countries where they no longer have ties.

The inclusion of the Latino Immigrant Fairness provisions would evidence our commitment to fair and even-handed treatment of nations from these countries and to the strengthening of democracy and economic stability among important neighbors.

The Republican proposal creates a ''V'' visa for people waiting in the family backlogs, but not all, including US citizens. This counterproposal treats the family members of some legal permanent residents better than US citizens. The GOP proposal leaves out US citizens applying for their children over the age of 21. Ironically, the GOP fails to help even United States citizens seeking to reunite with their spouses and children if the spouse of the child fell out of status for six months or more. In contrast, the Latino Immigrant Fairness Act 245(i) proposal would cover all people in the pipeline to becoming legal equally. I say no deal and a no vote.

The Republicans are failing to correct their flawed legislation of 1997 and 1998. It was the Republicans who passed piecemeal programs in 1997 and 1998 for some refugees. These flaws failed to correct years of uneven treatment to legitimate refugees from Central America, Haiti, and does nothing for Liberian nationals. It is baffling why today the Republicans are now turning their backs on the LIFA proposal for long time refugees, that have been in the U.S. for years, worked hard and paid their taxes when a few short years ago they advanced these same proposals.

In conclusion, there is not compassion here, Mr. Speaker. Congress should stop trying to trade some deserving immigrant groups for others, and move to help all deserving immigrants willing to play by the rules, pay taxes, and work hard in the United States.

I say no deal and a not vote. Send this bill to 1600 Pennsylvania Avenue, and the President will send it right back.

Mrs. CHRISTENSEN. Mr.Speaker, I rise to join my Democratic colleagues to express my outrage at the ommission of immigration fairness from the Commerce—Justice Appropriation Bill.

I am a Caribbean American and I am calling on my colleagues to vote against this bill because it fails to right the wrongs that are being perpetrated against Haitians and other people from our region, Central Americans, Liberians and others.

I also think that it is shameful that once again the people of the District of Columbia, the nation's capital and our home away from home, have their budget bogged down with this bill that includes a poison pill that ought to kill it here, but which certainly will be vetoed at the White House. Why can't we do the right thing on this?

People of color across the country and around the world cannot seem to get fairness under this Republican Congress. District residents, Caribbean people, Central Americans, Liberians and others deserve fairness just like you and I.

Do the right thing. Vote no on this until we get justice in the Commerce, Justice and Appropriations bill.

Mr. DAVIS of Virginia. Mr. Speaker, my compliments to Chairman ISTOOK for the time and energy he and his staff have once again devoted to reviewing the D.C. budget and bringing this bill to the floor.

Just a few years ago, the D.C. government faced a financial crisis of epic proportions. The situation was dire: the District could not deliver basic services, and there was very real concern that it would run out of cash to pay its debt service and meet its payroll. Today, the city's population is stabilizing, the real estate market is up, suburban residents are making more leisure trips into the city, and jobs have increased dramatically.

Next year the Control Board will go into a dormant state, as anticipated in legislation we passed in 1995. The city has balanced its budget for a fourth straight year and its leaders are showing, with only a handful of exceptions, that they are focused on fostering economic growth and delivering basic services. With the guidance of this Congress, D.C.'s elected officials implemented tax cuts and backed the procurement and regulatory reforms that have spawned the renaissance at the Nation's Capital. As an editorial in The Washington Times said just a few weeks ago, the face of D.C. is, indeed, changing.

This budget goes a long way toward continuing the tremendous strides made in the Nation's Capitol over the past six years. It funds a wide number of programs that will greatly enhance the quality of life for D.C. residents and those who visit and work in this wonderful city—from enhanced resources for foster care, drug treatment and public education to money to clean up the Anacostia River. This legislation provides full and vital federal funding to construct a Metrorail station on New York Avenue. There are funds for a number of programs to bolster opportunities for the city's youth population, including $500,000 for character education and $250,000 for youth mentoring programs.

And there's much more: $1 million for the Washington Interfaith Network for affordable housing in low-income neighborhoods and another $250,000 for new initiatives to battle homelessness. $6 million to cover the city's costs associated with the 2001 Presidential Inauguration. $250,000 for Mayor Williams to simplify personnel practices, money that will allow the city to build on the many improvements already underway in the area of management reform.

I am very pleased that the conference report fully funds the D.C. College Access Program—a program created by legislation I authored that levels the playing field for D.C. students by allowing them to attend state colleges and universities at in-state rates. This funding ensures that the program will continue to grow, so no students are denied the opportunity offered to those who attend high school in each of the 50 states.

And finally, I am overjoyed that there is language in this conference report that transfers two school sites in Lorton to Fairfax County, at no charge, to address the critical need for new schools there. The legislation includes important language that facilitates the land transfer.

I commend Chairman ISTOOK for this forward-looking spending plan, a budget that ensures the District's 'rebirth' will continue. I am proud to have played a part in this city's turnaround these past six years, and I want to thank the fellow members of my subcommittee, both Republicans and Democrats, for the work they have done to get the District back on its feet. I wish Mayor Williams and the City Council the best of luck in the future. This city is on the right track, and it's in good hands.

Mr. CONYERS. Mr. Speaker, when it comes to providing the most minimal help to people of color and immigrants, the Republicans have shown themselves to be colder than ice.

Twice the House and Senate have passed hate crime prevention legislation to ensure that crimes committed based on race and bigotry are fully investigated and prosecuted. But when it comes to basic fairness for people of color or different sexual orientation, Republicans are not compassionate conservatives and they are not inclusive.

Similarly, thousands of immigrants from El Salvador, Honduras, Guatemala, Haiti and Liberia fled their war ravaged countries in the 1980s and early 1990s. In 1997, the Republicans decided to give amnesty to Cubans and Nicaraguan refugees who had the right political influence at the time. Despite any objective basis for distinguishing their situation, the Republicans refused to help refugees from Central America and Haiti. It is time we provide legal parity for these refugees who are hard working, tax paying, important members of our communities.

The Latino and Immigrant Fairness Act is a straight forward bill to keep families together, stabilize those who have been here for over a decade and make our immigration polices simple and fair. Yet, it is not in this bill.

The GOP wants to give people of color and immigrants crumbs from the table. This bill exposes the Republicans' true colors.

I have news for you—the President will not let the congress leave without a Latino and Immigrant Fairness Act. He will veto this bill, and Mr. President, the Democrats have the votes to sustain it.

I urge my colleagues to vote against this bill.

Ms. NORTON. Mr. Speaker, the House today not only adds insult to the injury that the District's budget has to go to someone else to be passed. The House today penalizes the District in the bond market and adds costs of incalculable dollars in delay and duplication.

From the start of the fiscal year, this bill is now four weeks overdue. More than two weeks ago, we finished a very difficult process. The Mayor and the City Council members had been asking me, ''Is it over? How soon?'' And I replied, ''soon.'' ERNEST ISTOOK and I then negotiated our way through the last stages of the process and shook hands on an agreement. Both of us felt a sense of accomplishment. Then there was only silence. I want to thank Chairman ERNEST ISTOOK for his service, for always working hard and for working with me. I want to thank Ranking Member JIM MORAN for his hard work on this bill. Both deserve better than this. District residents certainly deserve better.

I understand that the D.C. conference report was held for a purpose, to carry another bill. Today we see that the conference report was held for no good purpose, because the bill it will carry will be vetoed. I am told that the Senate has problems with the Commerce, Justice, State bill on tobacco and gun control. Other controversial provisions include a census privacy violation and an objectionable immigration provision.

However, this body needs to understand what damage the delay in passing the D.C.

appropriation does to the District. New money for public schools, including new textbooks and teacher pay raises—cannot begin. New money for in-home care for seniors and the disabled—cannot begin. Funding increases for Foster Care and Child and Family Services, which will reduce caseloads by hiring more social workers—cannot begin. In addition, 175 new police officers in this high-crime city cannot be hired; 88 new firefighters cannot be hired; five new charter schools, what the Congress most wanted, cannot be funded; and $4.5 million for school recreation centers, to get our kids off the streets during the high crime hours between 3 and 6, is on hold.

Thhis is what this House is doing to the District of Columbia today.

Mr. CROWLEY. Mr. Speaker, today I rise opposed to the Commerce-Justice-State conference report. I am opposed to this conference report because it fails to include the Latino and Immigrant Fairness Act, also known as LIFA. I am greatly disappointed that the Republican leadership has failed to support Latino issues as they once claimed they would.

In 1996, the immigration reform law unfairly separated families and created additional obstacles for hardworking immigrants whose dream was to become productive American citizens. These provisions imposed under the Republican leadership of this House, forced many immigrants into a state of limbo.

Prospective immigrants already in the United States, in the process of obtaining their green cards were and still are forced to leave the country and separate from their families, many for as long as ten years before being allowed to return to the United States. These individuals have been wrongly denied the legal status they rightfully deserved since the 1980's.

The goal of immigration law in this country should be to keep families together and allow productive citizens who work hard and play by the rules to keep their current jobs, keep living in their current neighborhoods and keep paying their paying their taxes by allowing them as opportunity to become United States citizens.

The lives of real people are at stake. Throughout this election cycle, the Republican Party has made claims that they are obviously not truly committed to. The Latino and Immigrant Fairness Act is an important piece of legislation because it effects the lives of our neighbors, our friends, and in essence the people that help this great nation function each day.

Today, I join over 150 of my colleagues in opposition of the exclusion of the Latino and Immigrant Fairness Act and who are also committed to supporting the President's proposed veto of the C–J–S conference report. We can no longer continue to ignore these unjust and biased immigration laws.

Mr. HALL of Ohio. Mr. Speaker, I rise today to address the issue of conflict diamonds. Section 406 of this bill seeks to eliminate the problem. Though I support this provision, I regret that an alternative that I negotiated and all sides agreed would be preferable was not included in the conference report.

As our colleagues know, many Members of this House are gravely concerned about the role diamonds—a symbol of love and commitment to many Americans—are playing in some of the wars in Africa. Just this week, the Catholic church reported rebel attacks on diamond fields in Angola that left scores of innocent civilians dead or injured.

In Sierra Leone, Angola, the Demorcratic Republic of Congo, and until recently in Liberia, rebels are waging war not for ethnic or religious or political reasons—but solely for greed. Rag-tag gangs transformed themselves into well-equipped armies by seizing diamond-rich land, driving people living there out of their homes or killing them, and then selling the gems they stole to an industry that couldn't be bothered to do anything about a trade they knew was devastating. In all, more than two million people have dies in these diamond wars.

Today, the industry is playing catch-up and has come up with a solution to this problem. For years it has ignored rebels' role in overthrowing a democratic government; in committing rape, murder, and mutilation on an unprecedented scale; and in violating United Nations embargoes on both diamonds from one of these countries, and arms to all of them. Over the same period, the diamond industry has raked in phenomenal profits: last year alone, the industry leader posted in 89 percent increase in profits. Meanwhile, it has contributed only minimally and to just a few of the African countries whose resources provide these profits. With economies ruined by war and few investments in peace, these countries' young citizens have few alternatives to careers that begin as child soldiers.

Last year, Congressman FRANK WOLF and I visited Sierra Leone. We met hundreds of victims of that diamond war in Freetown's amputee camp, people who lost a hand, or a leg, or both arms, or an ear to rebel's machete. We heard of the sick ''games'' rebels played:

Determining whether to leave a victim with ''short sleeves'' or ''long sleeves,'' depending on what slip of paper he or she drew from a bag.

Betting on the sex of a fetus, and then cutting open the pregnant mother to see who won.

We met a young teenager made pregnant by rape and left to care for a rebel's child with two stumps where her arms once hung. We spoke with a man whose right hand was cut off because he was a student, and another who lost both hands because he was a driver. We saw an adorable toddler whose arm was chopped off when she was just two-and-half, and dozens of school-aged children who suffered a similar fate.

We heard again and again that this butchery was rebels' way of punishing innocent civilians for voting in Sierra Leone's first election—a psychopathic retort to the winner's slogan, ''given us a hand.'' We left the country sick at heart and determined to do anything we could to help.

Sierra Leone is a country founded in hope by escaped slaves. It is blessed with good soil, wonderful people and abundant natural resources. But it is cursed by diamonds and consistently rated the poorest and most miserable in the world. I cannot imagine how the amputees will survive in a subsistence economy. I can't even begin to imagine the horrific moments that brought them there.

But what haunts me most is the fact that we—American consumers—are paying for these atrocities. Today, rebels will earn $37 million from this blood trade, and two-thirds of that will come from Americans. Tomorrow, they'll earn another $37 million. And the next day, and the one after that.

Now, I know the young men and women shopping for engagement rings, the couples celebrating wedding anniversaries, and other Americans have no idea of this blood trade. They don't know they are keeping these butchers supplied with weapons, with drugs for their child soldiers, with everything they need to keep fighting. They don't know that diamonds symbolize misery to many Africans.

I know something else: when American consumers—American taxpayers—figure this out, there is going to be Hell to pay. Mr. Speaker, you and I and ever member of this House knows how kind-hearted our fellow Americans are. They would never knowingly underwrite this kind of violence: just look at consumers' attitudes toward fur once they learned how much blood was on that industry's hands.

We also know that most Americans don't begrudge foreign aid—if it's going to help solve real problems. In the past decade, our country has sent $2 billion in aid to the four countries plagued by conflict diamonds. But over the same period, rebels have smuggled $10 billion worth of conflict diamonds out of these countries, and used them to create the need for ever more humanitarian assistance. That adds up to nothing but more suffering for the people caught in the middle of these wars over diamonds.

Until now, Congress has demonstrated shockingly little leadership on this issue, and we have failed as a steward of taxpayers' funds. There have been some shinning exceptions to this: Mr. WOLF, Chairman ED ROYCE of the Africa Subcommittee, and Representative CYNTHIA MCKINNEY have done superb work in highlighting these problems. I also appreciate the support of other Members who have co-sponsored my CARAT Act, which forced the industry to address this problem. Any I particularly want to thank Holly Burkhalter, a human-rights advocate with Physicians for Human Rights whose dedication to peace and justice has been constant for decades, and who has been creative and tireless in her efforts to end this blood trade.

In the Senate, JUDD GREGG has been a lone voice against U.S. complicity in the atrocities associated with conflict diamonds. He was able to include a provision in this bill that marks the first Congressional action on this matter. It is not an ideal solution, but I am pleased to support its embargo of diamonds from some of these blood-soaked countries and hope to continue to work with him to enact a strong alternative.

I had hoped that a substitute agreed to by American jewelers and a human-rights coalition of more than 70 respected organizations (led by Physicians for Human Rights, Amnesty International, and World Vision) would win final passage. Unfortunately, our joint efforts only won the Administration's acceptance of that provision late last night, too late to be included in the bill before us today. It still is not too late for Congress to approve this provision. My understanding is that this bill will be vetoed by the President. Should the bill be returned to Congress, I urge may colleagues to include the provision in the revised bill.

I submit for the RECORD an editorial that recently appeared in the Washington Post that explains the status of this compromise. Our colleagues all know of this Administration's many initiatives to reach out to Africa—and its

many failures. Early in 1999, the United States was a leader in efforts to end the trade in conflict diamonds. I am grateful that, late last night, the Administration agreed to accept this compromise, but I am sorely disappointed that it ran out the clock. My hope now is that the threatened veto of this bill will let us change this provision before this becomes law.

If that doesn't happen and the Gregg provision becomes law, there is still hope for U.S. pressure to end the trade in blood diamonds. However, reports that the Administration is saying it will not enforce this provisions are deeply troubling, as is the industry's attempt to renege on its compromise with the coalition because of assurances it has received from U.S. officials that they have no intention of enforcing it.

I will not accept the argument that this cannot be enforced; the Constitution demands otherwise, and two U.N. resolutions require specific steps against two of the countries named in this provision. It would be tragic if this provision were to close U.S. borders to diamond imports, as the Administration initially suggested it would. If that happens, I will be ready to help remedy this situation legislatively when the 107th Congress convenes. But the possibility that this could happen ought to have encouraged the Administration to agree to the alternative compromise while there was still time for Congress to act.

The tradegy of this outcome would not be any loss to American consumers or jewelers—because the standard practice is to keep a year's supply of diamonds on hand. Nor would it be anything but a blessing to the people of conflict-diamond countries. No, the real hardship would fall on stable democracies like South Africa whose economy depends on the legitimate trade in diamonds.

The diamond industry and—until just hours ago this Administration—have been far too cavalier about responding to this problem before consumers begin to boycott diamonds. Diamonds do tremendous good where governments and the industry work together; an effective boycott would devastate the economy of Bostwana—once the poorest nation in Africa, and now one of its success stories—and do similar harm to few other poor countries.

A consumer action is very likely, and I am looking forward to participating in a responsible one that stops short of boycotting all diamonds. On Fifth Avenue in New York recently, outside of a swank store with some of Sierra Leon's amputees and others who share our concerns. I urged consumers to go to the jewelry stores in their neighborhood and ask three simple questions:

Where was this diamond mined?

Am I contributing to the bloodshed in Africa?

What are you doing to stop this blood trade?

Untill these questions start sounding familiar to American jewelers and until the diamond industry, the U.S. Government, and the United Nations feel pressure from consumers to do the right thing—whole nations will continue to be a battleground.

I urge my colleagues to join in efforts to end this blood trade. I urge you to raise these questions with the jewelers in your district. And I urge all Americans to stand up to the war criminals in Africa and the corporations that fuel their war machine, and to demand accountability and justice.

[From the Washington Post Oct. 19, 2000]

A CHANCE TO CONTROL KILLERS

This time last year, the State Department convened an international conference on the role played by diamonds in Africa's grisly civil wars. In Angola, Congo and Sierra Leone, the rebel bands that killed and maimed civilians are driven or sustained by diamond revenues: They fight less for political reasons than to gain access to the gems that will make their commanders rich. One year since that conference, the movement to control ''conflict diamonds'' has progressed remarkably rapidly. And yet in the final days of Congress, the administration may miss a chance to press its advantage fully.

The chance presents itself in an amendment sponsored by Rep. Troy Hall (D–Ohio), which would give the diamond industry one year to implement a scheme to track gems from their country of origin to the handful of centers that cut and finish them. After they are minded, the diamonds would be wrapped in tamper-proof, numbered package and logged into a database; each time a package crossed a border, that would be logged tool. The idea is that the cutting centers could then refuse to take diamonds from countries where they are known to be mined by murderous rebels. Jewelers could buy from responsible cutting centers with a clear conscience; and the whole industry would avoid a consumer boycott like the one that undermined the fur business.

This scheme would not foolproof. Some conflict diamonds might be smuggled into nearby countries and packaged there. But the monitoring regime would at least limit that problem, because it would be accompanied by rules capping each country's exports at the estimated level of its mining capacity. Recently Liberia has been exporting many times more diamonds that it produces, because its government is close to the limb-chopping rebels who control Sierra Leone's diamond fields. A certification scheme would stop such overt financing of, and profiting from, butchery.

Almost nobody opposes monitoring. The diamond industry itself designed the scheme in conjunction with nongovernmental critics; most diamond-producing governments favor it as well. Rep. Hall wants to build on that consensus by allowing one year to implement the monitoring scheme, then imposing sanctions on countries that fail to comply. The World Diamond Council, which speaks for the industry, has endorsed the idea of a deadline. But the administration is wary, pleading that congressional deadlines trample on its prerogatives, and that a hard deadline is unwise. The danger is that, without a deadline, the momentum of reform may dissipate. The administration should embrace this change to control the killing gems.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 198, not voting 29, as follows:

[Roll No 562]

YEAS—206

Abercrombie
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rush
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Sununu
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NAYS—198

Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Barton
Becerra
Bentsen
Berkley
Berman
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Condit
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)

Lipinski	Olver	Sherman
Lofgren	Ortiz	Skelton
Lowey	Owens	Smith (WA)
Luther	Pallone	Snyder
Maloney (CT)	Pascrell	Stark
Maloney (NY)	Pastor	Stenholm
Markey	Paul	Strickland
Mascara	Pelosi	Stupak
Matsui	Phelps	Tancredo
McCarthy (MO)	Pickett	Tanner
McCarthy (NY)	Pomeroy	Tauscher
McDermott	Price (NC)	Taylor (MS)
McGovern	Rahall	Thompson (CA)
McKinney	Rangel	Thurman
McNulty	Reyes	Tierney
Meehan	Riley	Toomey
Meek (FL)	Rivers	Towns
Meeks (NY)	Rodriguez	Turner
Menendez	Roemer	Udall (CO)
Millender-McDonald	Rothman	Udall (NM)
Miller, George	Roybal-Allard	Velazquez
Minge	Royce	Visclosky
Mink	Sabo	Waters
Moakley	Salmon	Watt (NC)
Moore	Sanchez	Weiner
Moran (VA)	Sanders	Weldon (FL)
Morella	Sandlin	Wexler
Nadler	Sanford	Weygand
Napolitano	Sawyer	Wolf
Neal	Schaffer	Woolsey
Oberstar	Schakowsky	Wu
Obey	Scott	Wynn
	Shadegg	

NOT VOTING—29

Ackerman	Franks (NJ)	Peterson (PA)
Bilbray	Johnson, Sam	Shuster
Blagojevich	Klink	Spratt
Bliley	Lazio	Stump
Brady (PA)	Martinez	Talent
Campbell	McCollum	Tauzin
Chenoweth-Hage	McIntosh	Thompson (MS)
Crowley	Metcalf	Waxman
Danner	Packard	Wise
Fowler	Payne	

□ 1937

Messrs. DELAHUNT, COLLINS, and SHADEGG changed their vote from ''yea'' to ''nay.''

Messrs. BUYER, COX, and KASICH changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 782. An Act to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

H.J. Res. 116. Joint Resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-305)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 26, 2000.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow, Friday, October 27, 2000.

INTERNATIONAL MALARIA CONTROL ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV and tuberculosis, as amended.

The Clerk read as follows:

S. 2943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

SECTION 101. SHORT TITLE.

This title may be cited as the ''International Malaria Control Act of 2000''.

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa.

(7) In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

(8) These high risk areas represent many of the world's poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) ''Airport malaria'', the importing of malaria by international aircraft and other conveyances, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(11) In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported.

(12) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(13) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(14) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 103. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, in coordination with the heads of other appropriate Federal agencies and nongovernmental organizations, shall provide assistance for the establishment and conduct of activities designed to prevent, treat, control, and eliminate malaria in countries with a high percentage of malaria cases.

(2) CONSIDERATION OF INTERACTION AMONG EPIDEMICS.—In providing assistance pursuant to paragraph (1), the Administrator should consider the interaction among the epidemics of HIV/AIDS, malaria, and tuberculosis.

(3) DISSEMINATION OF INFORMATION REQUIREMENT.—Activities referred to in paragraph (1) shall include the dissemination of information relating to the development of vaccines and therapeutic agents for the prevention of malaria (including information relating to participation in, and the results of, clinical trials for such vaccines and agents conducted by United States Government agencies) to appropriate officials in such countries.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out subsection (a) $50,000,000 for each of the fiscal years 2001 and 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

SECTION 201. SHORT TITLE.

This title may be cited as the ''United States-Macau Policy Act of 2000''.

SEC. 202. FINDINGS AND DECLARATIONS; SENSE OF THE CONGRESS.

(a) FINDINGS AND DECLARATIONS.—The Congress makes the following findings and declarations:

(1) The continued economic prosperity of Macau furthers United States interests in the People's Republic of China and Asia.

(2) Support for democratization is a fundamental principle of United States foreign policy, and as such, that principle naturally applies to United States policy toward Macau.

(3) The human rights of the people of Macau are of great importance to the United States and are directly relevant to United States interests in Macau.

(4) A fully successful transition in the exercise of sovereignty over Macau must continue to safeguard human rights in and of themselves.

(5) Human rights also serve as a basis for Macau's continued economic prosperity, and the Congress takes note of Macau's adherence to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States should play an active role in maintaining Macau's confidence and prosperity, Macau's unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau;

(2) through its policies, the United States should contribute to Macau's ability to maintain a high degree of autonomy in matters other than defense and foreign affairs as promised by the People's Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States; and

(3) the United States should actively seek to establish and expand direct bilateral ties and agreements with Macau in economic, trade, financial, monetary, mutual legal assistance, law enforcement, communication, transportation, and other appropriate areas.

SEC. 203. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) CONTINUED APPLICATION.—

(1) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau in the same manner as the laws of the United States were applied with respect to Macau before December 20, 1999, unless otherwise expressly provided by law or by Executive order issued pursuant to paragraph (2).

(2) EXCEPTION.—Whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of paragraph (1) to such law or provision of law. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination and shall publish the Executive order in the Federal Register.

(b) EXPORT CONTROLS.—

(1) IN GENERAL.—The export control laws, regulations, and practices of the United States shall apply to Macau in the same manner and to the same extent that such laws, regulations, and practices apply to the People's Republic of China, and in no case shall such laws, regulations, and practices be applied less restrictively to exports to Macau than to exports to the People's Republic of China.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting the provision of export control assistance to Macau.

(c) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—Subject to subsection (b) and paragraph (2), for all purposes, including actions in any court of the United States, the Congress approves of the continuation in force after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal and applied to Macau, unless or until terminated in accordance with law.

(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall take appropriate action to modify or terminate such treaty or other international agreement. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination.

SEC. 204 REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not later than March 31 of each of the years 2001, 2002, and 2003, the Secretary of State shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on conditions in Macau of interest to the United States. The report shall describe—

(1) significant developments in United States relations with Macau, including any determination made under section 203;

(2) significant developments related to the change in the exercise of sovereignty over Macau affecting United States interests in Macau or United States relations with Macau and the People's Republic of China;

(3) the development of democratic institutions in Macau;

(4) compliance by the Government of the People's Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

(5) the nature and extent of Macau's participation in multilateral forums.

(b) SEPARATE PART OF COUNTRY REPORTS.—Whenever a report is transmitted to the Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate subreport on Macau under the heading of the country that exercises sovereignty over Macau.

SEC. 205. DEFINITIONS.

In this title:

(1) MACAU.—The term ''Macau'' means the territory that prior to December 20, 1999, was the Portuguese Dependent Territory of Macau and after December 20, 1999, became the Macau Special Administrative Region of the People's Republic of China.

(2) JOINT DECLARATION.—The term ''Joint Declaration'' means the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

SECTION 301. SHORT TITLE.

This title may be cited as the ''Rails to Resources Act of 2000''.

SEC. 302. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the states, territories and provinces of the two countries;

(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the State of Alaska and the Yukon Territory;

(4) rail transportation in otherwise isolated areas facilitates controlled access and may reduce overall impact to environmentally sensitive areas;

(5) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the United States and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

(6) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 303. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the Government of Canada to establish an independent joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 304. COMPOSITION OF COMMISSION.

(a) MEMBERSHIP.—

(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 24 members, of which 12 members are appointed by the President and 12 members are appointed by the Government of Canada.

(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources, social sciences, fish and game management, environmental sciences, and transportation.

(b) UNITED STATES MEMBERSHIP.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) One member representing United States Class I rail carriers and one member representing United States rail labor.

(6) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation and at least one of whom shall have expertise on the environmental impact of such transportation.

(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 305. GOVERNANCE AND STAFFING OF COMMISSION.

(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) COMPENSATION.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) OFFICE.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) MEETINGS.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) PROCUREMENT OF SERVICES.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 306. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) SPECIFIC ISSUES.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber, tourist, and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes in the use or availability of natural resources.

(H) Potential financing mechanisms.

(3) ROUTE.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, existing corridors that are already used for ground transportation, the route surveyed by the Army Corps of Engineers during World War II and such other factors as the Commission determines relevant.

(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 307. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) TERMINATION.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 306.

SEC. 308. FUNDING.

(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the ''Rails to Resources Fund''.

(2) CONTRIBUTIONS.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to any fund established for use by the Commission as described in subsection (a)(1) $6,000,000, to remain available until expended.

SEC. 309. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term ''Agreement'' means an agreement described in section 303.

(2) COMMISSION.—The term ''Commission'' means a commission established pursuant to any Agreement.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

SEC. 401. SHORT TITLE.

This title may be cited as the ''Pacific Charter Commission Act of 2000''.

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

(4) to combat terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

SEC. 403. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the Pacific Charter Commission (hereafter in this title referred to as the ''Commission'').

SEC. 404. DUTIES OF COMMISSION.

(a) DUTIES.—The Commission shall establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 402, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

(b) MONITORING OF DEVELOPMENTS.—The Commission shall monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

(c) POLICY REVIEW AND RECOMMENDATIONS.—In carrying out this section, the Commission shall evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

(d) CONTACTS WITH OTHER ENTITIES.—In performing the functions described in subsections (a) through (c), the Commission shall, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

(e) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and the Congress a report that contains the findings of the Commission during the preceding 12-month period. Each such report shall contain—

(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c);

(2) a description of programs, projects, and activities of the Commission for the prior year; and

(3) a complete accounting of the expenditures made by the Commission during the prior year.

(f) CONGRESSIONAL HEARINGS ON ANNUAL REPORT.—The Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, shall, not later than 45 days after the receipt by the Congress of the report referred to in subsection (c), hold hearings on the report, including any recommendations contained therein.

(g) ADVISORY COMMITTEES.—The Commission may establish such advisory committees as the Commission determines to be necessary to advise the Commission on policy matters relating to the Asia-Pacific region and to otherwise carry out this title.

SEC. 405. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of seven members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) APPOINTMENT.—

(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

(B) by and with the advice and consent of the Senate.

(2) POLITICAL AFFILIATION.—Not more than four of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 404.

SEC. 406. POWERS OF COMMISSION.

(a) HEARINGS AND INVESTIGATIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson of the Commission, the head of any such department agency shall furnish such information to the Commission as expeditiously as possible.

(c) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 407. STAFF AND SUPPORT SERVICES OF COMMISSION.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission after consultation with the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. The executive director shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this title.

(d) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 409. TERMINATION.

The Commission shall terminate not later than 5 years after the date of the enactment of this Act.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $2,500,000 for each of the fiscal years 2001 and 2002.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 411. EFFECTIVE DATE.

This title shall take effect on February 1, 2001.

TITLE V—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

SEC. 501. SHORT TITLE.

This title may be cited as the ''Paul D. Coverdell World Wise Schools Act of 2000''.

SEC. 502. FINDINGS.

Congress makes the following findings:

(1) Paul D. Coverdell was elected to the Georgia State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) As the 11th Director of the Peace Corps from 1989 to 1991, Paul Coverdell's dedication to the ideals of peace and understanding helped to shape today's Peace Corps.

(3) Paul D. Coverdell believed that Peace Corps volunteers could not only make a difference in the countries where they served but that the greatest benefit could be felt at home.

(4) In 1989, Paul D. Coverdell founded the Peace Corps World Wise Schools Program to help fulfill the Third Goal of the Peace Corps, ''to promote a better understanding of the people served among people of the United States''.

(5) The World Wise Schools Program is an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others in order to broaden perspectives; promote cultural awareness; appreciate global connections; and encourage service.

(6) In a world that is increasingly interdependent and ever changing, the World Wise Schools Program pays tribute to Paul D. Coverdell's foresight and leadership. In the words of one World Wise Schools teacher, ''It's a teacher's job to touch the future of a child; it's the Peace Corps' job to touch the future of the world. What more perfect partnership.''.

(7) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(8) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

SEC. 503. DESIGNATION OF PAUL D. COVERDELL WORLD WISE SCHOOLS PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the ''World Wise Schools Program'' is redesignated as the ''Paul D. Coverdell World Wise Schools Program''.

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps World Wise Schools Program shall, on and after such date, be considered to refer to the Paul D. Coverdell World Wise Schools Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2943, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. GILMAN. Mr. Speaker, I rise in strong support of S. 2943, a bill that authorizes the appropriation of $50 million for each of fiscal years 2000 and 2002 to combat malaria in the developing world.

The International Malaria Control of 2000 would establish a program to combat the spread of malaria in the developing world and to encourage other governments and nongovernmental organizations to join our Nation in that effort.

This initiative to save millions of poor people would be administered by the Agency for International Development in conjunction with other appropriate Federal agencies and nongovernmental organizations, both in our Nation and overseas.

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I commend Senator HATCH, the Senate sponsor of this legislation, for his efforts to stem the spread of malaria and to eradicate this disease that kills over 1 million people annually. As in the case of other deadly infectious diseases, our Nation must and can do more, and I am proud to be able to join in that effort.

This bill also contains a title, H.R. 825, sponsored by the gentleman from Nebraska (Mr. BEREUTER), our distinguished chairman of the Subcommittee on Asia and Pacific Affairs of the Committee on International Relations, which provides for the continued application of U.S. laws and treaties to Macau in the same manner as prior to December 20, 1999, when Macau was a Portuguese dependency. This title would also apply U.S. export controls and practices with regard to Macau in the same manner as the People's Republic of China. It would also require periodic reports from the Secretary of State on developments relating to Macau.

The title contains no authorization of appropriation, but it is an important policy statement on the relationship of our Nation with regard to Macau.

Title III of the bill contains the ''Rails to Resources Act of 2000,'' S. 2253, a bill introduced by Senator Murkowski, which authorizes to be appropriated $6 million for the establishment of the Rails to Resources Fund and urges the President to enter into an agreement with the Government of Canada to establish a joint commission of 20 members to study the technological and economic feasibility of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system. In recognition of the merit of that initiative, the Transportation Appropriations Conference Report provided $2 million for that purpose.

Mr. Speaker, title IV of the bill authorizes to be appropriated $2.5 million for each of the fiscal years 2001 and 2002 for the establishment of a Pacific Charter Commission to carry out and monitor projects in the Pacific region of Asia with regard to human rights, the rule of law, and for security issues and to advise the Congress of the United States on significant foreign policy issues of interest to our Nation. The Pacific Charter Commission will provide independent policy analysis with regard to the manner in which the foreign policy of our Nation is carried out and will be of great service to the Congress and the American people.

Finally, Mr. Speaker, title V of the bill would redesignate the Peace Corps World Wise Schools Program, and the Paul D. Coverdell World Wise Schools Program. Title V incorporates H.R. 5357, a bill introduced by the gentleman from Georgia (Mr. LEWIS), and it is a fitting tribute to our late colleague, the distinguished senior citizen from Georgia, Paul D. Coverdell, who also served as Peace Corps Director with great distinction.

Accordingly, Mr. Speaker, I urge my colleagues to vote for the adoption of S. 2943.

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

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume. I rise in support of S. 2943, the International Malaria Control Act of 2000.

Mr. Speaker, we are considering a number of bills here today, or this evening, really, as part of a package. Mr. Speaker, S. 2943 addresses some important issues facing the United States; and I want to commend the gentleman from New York (Mr. GILMAN), the chairman of the committee, for ensuring that the actual text of the bill that is included in this package accommodated certain concerns on this side of the aisle.

For example, the underlying bill being considered today is an effort to control the spread of malaria abroad. Malaria has recently been making a resurgence around the world with more and more people being affected by this scourge and more and more people dying from it. According to the World Health Organization, more than one million persons, one million, one million persons die from malaria each year, and more than 90 percent of all malaria cases are in sub-Saharan Africa.

According to the Director General of the World Health Organization, malaria is taking a big bite out of Africa's economic growth. If we can control malaria, we will see an acceleration of Africa's development; and family incomes, of course, will rise.

We have even seen treatment-resistance strains of malaria emerging in our own country here in the United States. Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent. That is staggering.

As we know from our experience with the West Nile virus, if we do not act quickly to break the back of a disease abroad, the inevitable result is outbreaks of the disease here in the United States.

So I commend the chairman for working with us to focus this bill on malaria specifically.

The bill also addresses the United States relationship with the former Portuguese colony of Macau. While Macau reverted to Chinese control last year, the United States must help the people of Macau to retain their basic freedoms to further develop economically and to deal with international crime and narcotics problems. This legislation ensures that the United States will continue to treat Macau under U.S. law the same way it was treated prior to its reversion to Chinese control and signal to the Chinese that we will closely watch how Macau and its people are being treated.

This approach is really identical to the approach that we took with Hong Kong prior to its reversion to Chinese control and is long overdue in Macau's case. This is simply good government and ensures that Hong Kong and Macau are treated in a similar manner.

The bill also contains text identical to H.R. 5357, a bill sponsored by the gentleman from Georgia (Mr. LEWIS), which actually does the renaming of the Peace Corps World Wise program after the late great Senator COVERDELL. This legislation also includes an authority to enter into an agreement with Canada to establish a commission to study the advisability and the feasibility of establishing a rail link between Alaska and the North American Rail Net. It also includes legislation that the House passed earlier this year establishing a commission to study United States policy in the Asia Pacific region.

Mr. Speaker, we have worked to ensure that these bills address our concerns. We have no objection to them being included in the package. I want to once again thank our chairman for working with us.

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

Mr. GILMAN. Mr. Speaker, I want to thank the gentlewoman from California (Ms. LEE) for her supporting comments with regard to this measure.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific.

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

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of the legislation, particularly title II of S. 2943, which encompasses the Macau Policy Act. We have heard the chairman and the gentlewoman from California refer to it already.

The Subcommittee on Asia and the Pacific first considered similar legislation introduced by this Member at the beginning of the 106th Congress in anticipation of Macau's reversion to the People's Republic of China.

Mr. Speaker, this legislation, among other things, recognizes that Macau is not Hong Kong, especially when it comes to export control policy. Therefore, the Macau Policy Act ensures that the export control laws of the United States shall apply to Macau in

the same manner and to the same extent that such laws apply to the People's Republic of China. This provision ensures that Macau will not be used by entities in China to circumvent export control laws.

Mr. Speaker, the Macau title of this legislation also clarifies and strengthens U.S. relations with the special administrative region of Macau. It is tailored to address Macau's unique status and individual challenges. It certainly supports both short-term and long-term American national interests. Therefore, as chairman of the Subcommittee on Asia and the Pacific, this Member supports the passage of the legislation; and I urge my colleagues to support the Macau Policy Act, which is title II of this legislation.

Macau was the last of the Portuguese overseas territories. It has an area of 16 square kilometers (about one-tenth the size of the District of Columbia) and a population of less than 500,000 Macanese, 95 percent of whom are of Chinese ethnic background. On April 13, 1987, Portugal and China issued a ''Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the question of Macau''—an international agreement similar to the 1984 United Kingdom—PRC Joint Declaration on the Question of Hong Kong. The Joint Declaration specified that Macau revert to Chinese sovereignty on December 20, 1999—which it did.

The United States has no diplomatic or consular presence in Macau. U.S. interests in Macau are monitored by the U.S. Consulate General in Hong Kong. Unlike Hong Kong, Macau is only a minor U.S. trading partner. The U.S. provides no economic or military assistance to Macau, and has no military personnel or installations there. Macau's principal industries are clothing, textiles, plastic products, furniture, and gambling and tourism.

On March 31, 1993, China's National People's Congress adopted a ''Basic Law of the Macau Special Administrative Region of the (PRC),'' which is similar to the 1990 Basic Law of the Hong Kong Special Administrative Region. In effect, the Basic Law constitutes Macau's post-reversion constitution. And, as with Hong Kong, the governing concept is ''one country—two systems.''

At present, Macau is treated the same as China, despite its ''one country-two systems'' status because its status has not been addressed through specific legislation like the U.S.-Hong Kong Policy Act of 1994 addressed Hong Kong-American relations. In other words, U.S. laws that apply to China, including post-Tiananmen sanctions, apply automatically to the Special Administrative Region of Macau. As a result, at this time, before the passage of this legislation, Macau's legal status for purposes of U.S. domestic law is ambiguous and problematic.

The legislation before the House today would permit the U.S. to honor Macau's post reversion rights under the concept of ''one country-two systems.'' For example, it will allow the US to treat Macau as a separate member of the WTO, apart from China, as well as for other commercial purposes. By enacting the Macau Policy Act, we are, in effect, trying to support the ''one country-two systems'' policy in Macau that has worked so well in Hong Kong.

Ms. LEE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN), who is a very strong leader and advocate on the Subcommittee on Health and the Environment of our Committee on Commerce, and also our ranking member.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from California for her leadership and I thank the chairman for his leadership and I thank the gentleman from Nebraska (Mr. BEREUTER) for his leadership on this issue.

In a Congress that has done so little on health care, has fallen so far short in passing prescription drug legislation, so far short on enacting a patients' bill of rights, which clearly overwhelming numbers of the public support, this Congress has done a good job in fighting international infectious diseases. The Committee on Appropriations has passed and sent to the President $60 million for tuberculosis control internationally, five times what this Congress spent only 3 years ago to combat a disease that is absolutely curable. This Congress also has played a major role in malaria control around the world.

Gro Brundtland, who was quoted earlier by the gentlewoman from California (Ms. LEE). Gro Brundtland, the General Director of the World Health Organization, has said about tuberculosis, and she could also say it about malaria, that tuberculosis is a political problem, not a medical problem. We in this world know how to combat tuberculosis; we in this world know how to combat malaria. We can do better than we have done with the political will. This effort by the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Ms. LEE) has actually made that major step in doing that.

I would also like to take the opportunity to congratulate the folks at Walter Reed. In part of the Defense budget, when we passed money for the Defense budget, some of that money, not nearly enough, only a few million dollars, goes to Walter Reed to do malaria research. Most of the best malaria research in history in this country has come out of Walter Reed, not out of private drug companies, not out of investor-owned corporations which do not have a real economic interest in combating malaria, but from tax dollars. That is what has brought us as far as we have come in malaria control, and that can take us even further. That is why it is so important to fund Walter Reed and do better with malaria control that way.

To get an understanding, Mr. Speaker, to get a good understanding of what we can do, and Gro Brundtland said, these infectious diseases are political problems, not medical problems. To get an understanding of what we can do, look at what the government of India did in 1999. In one day, in the Republic of India, the government and public health organizations around the world, including the Centers for Disease Control, woefully underfunded in this country, but involved internationally in so many good things; NGOs, the Centers for Disease Control, public health authorities and the government of India worked together and in one day in December of 1999, vaccinated, immunized 134 million Indian children in one day. If we can do that, we can come up with a malarial vaccine through the Walter Reed research within the Department of Defense in Bethesda, Maryland, then we can come up with much better action in combating tuberculosis, combating malaria around the world, which stunts economic growth, which kills children, which breaks up families. These are diseases that are caused by poverty, they are bred in poverty, and these are diseases that cause additional poverty. We have an obligation for humanitarian reasons and for pragmatic reasons to do something about it.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. BROWN) for his eloquent remarks in support of this measure.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 2943, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. LEE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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PROMOTION OF ADOPTION OF MILITARY WORKING DOGS

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5314) to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. PROMOTION OF ADOPTION OF MILITARY WORKING DOGS.

(a) ADOPTION OF MILITARY WORKING DOGS.—Chapter 153 of title 10, United States Code, is

amended by adding at the end the following new section:

"§ 2582. Military working dogs: transfer and adoption at end of useful working life

''(a) AVAILABILITY FOR ADOPTION.—The Secretary of Defense may make a military working dog of the Department of Defense available for adoption by a person or entity referred to in subsection (c) at the end of the dog's useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).

''(b) SUITABILITY FOR ADOPTION.—The decision whether a particular military working dog is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the dog is assigned before being declared excess. The unit commander shall consider the recommendations of the unit's veterinarian in making the decision regarding a dog's adoptability.

''(c) AUTHORIZED RECIPIENTS.—Military working dogs may be adopted under this section by law enforcement agencies, former handlers of these dogs, and other persons capable of humanely caring for these dogs.

''(d) CONSIDERATION.—The transfer of a military working dog under this section may be without charge to the recipient.

''(e) LIMITATIONS ON LIABILITY FOR TRANSFERRED DOGS.—(1) Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or other economic loss) that results from, or is in any manner predicated upon, the act or omission of a former military working dog transferred under this section, including any training provided to the dog while a military working dog.

''(2) Notwithstanding any other provision of law, the United States shall not be liable for any veterinary expense associated with a military working dog transferred under this section for a condition of the military working dog before transfer under this section, whether or not such condition is known at the time of transfer under this section.

''(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report specifying the number of military working dogs adopted under this section during the preceding year, the number of these dogs currently awaiting adoption, and the number of these dogs euthanized during the preceding year. With respect to each euthanized military working dog, the report shall contain an explanation of the reasons why the dog was euthanized rather than retained for adoption under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2582. Military working dogs: transfer and adoption at end of useful working life.''.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5314.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5314 is a noncontroversial bill that helps facilitate the adoption of military working dogs at the end of their careers. This bill passed the House of Representatives on October 10, 2000, by a voice vote.

When the bill went to the Senate, Senator ROBB offered three amendments which are technical in nature and merely tighten the language in the bill which prevents Federal liability. These technical amendments were done at the request of the Department of Defense, and I concur with them.

Concurring with these amendments today will move this bill to the White House for signature. I urge my colleagues to support the Senate amendments.

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

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5314 as passed by the Senate. The bill before the House today promotes the adoption of military working dogs at the end of their useful working life as the gentleman from Maryland (Mr. BARTLETT) indicated or if the dog is otherwise excess to the needs of the Department.

Currently, the Department of Defense does not have a policy to allow these elderly dogs to be retired and transferred to an individual or a private entity that could provide appropriate care for the aging dogs.

H.R. 5314 would address this unfortunate situation and allow elderly military working dogs to be adopted by law enforcement agencies, former handlers, and other persons capable of humanely caring for these honorable military animals. The bill also includes a provision that limits the Federal Government's liability in cases where a former military working dog is transferred.

H.R. 5314 provides military working dogs the same rights as dogs that serve in our community police forces.

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. BARTLETT) for his leadership in this issue. When first examined, Mr. Speaker, it seems to be something which might not necessarily be superfluous but something which, on the surface, is something that people do not even have any idea that the situation was occurring.

I think people just assume quite naturally that, after a useful working life, that animals would be taken care of in a fashion other than having their lives ended. The gentleman from Maryland (Mr. BARTLETT) took the lead on this, and I want to thank him for it.

I think people all across the country, and I can tell my colleagues, Mr. Speaker, for sure, once folks in my district found out that I was working with the gentleman from Maryland (Mr. BARTLETT) on this, let me know in no uncertain terms that they wanted this bill to pass. If for no other reason, Mr. Speaker, if I could address the gentleman from Maryland (Mr. BARTLETT) directly, I want to tell him he is a new hero to my wife; and he most certainly can count on my support as a result for his concern for these loyal working military animals.

So with that, Mr. Speaker, I urge most vehemently my colleagues to support this measure and congratulate the gentleman from Maryland (Mr. BARTLETT), not only for his leadership on the issue, but for exhibiting yet once again his concern for all elements of military issues coming before our committee. It is an honor to serve with him.

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

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Hawaii (Mr. ABERCROMBIE) for his support, and I want to thank his wife for reinforcing that support. It is really a pleasure to work with the gentleman from Hawaii (Mr. ABERCROMBIE). He has been nothing but helpful.

Mr. ABERCROMBIE. Mr. Speaker, I yield back the balance of my time.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5314.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CARDIAC ARREST SURVIVAL ACT OF 2000

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules, concur in the Senate amendment to the bill (H.R. 2498) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Public Health Improvement Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

Sec. 101. Short title.
Sec. 102. Amendments to the Public Health Service Act.

TITLE II—CLINICAL RESEARCH ENHANCEMENT

Sec. 201. Short title.
Sec. 202. Findings and purpose.
Sec. 203. Increasing the involvement of the National Institutes of Health in clinical research.
Sec. 204. General clinical research centers.
Sec. 205. Loan repayment program regarding clinical researchers.
Sec. 206. Definition.
Sec. 207. Oversight by General Accounting Office.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Biomedical and behavioral research facilities.
Sec. 304. Construction program for National Primate Research Centers.
Sec. 305. Shared instrumentation grant program.

TITLE IV—CARDIAC ARREST SURVIVAL

Subtitle A—Recommendations for Federal Buildings

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Recommendations and guidelines of Secretary of Health and Human Services regarding automated external defibrillators for Federal buildings.
Sec. 404. Good samaritan protections regarding emergency use of automated external defibrillators.

Subtitle B—Rural Access to Emergency Devices

Sec. 411. Short title.
Sec. 412. Findings.
Sec. 413. Grants.

TITLE V—LUPUS RESEARCH AND CARE

Sec. 501. Short title.
Sec. 502. Findings.

Subtitle A—Research on Lupus

Sec. 511. Expansion and intensification of activities.

Subtitle B—Delivery of Services Regarding Lupus

Sec. 521. Establishment of program of grants.
Sec. 522. Certain requirements.
Sec. 523. Technical assistance.
Sec. 524. Definitions.
Sec. 525. Authorization of appropriations.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

Sec. 601. Short title.
Sec. 602. Amendments to the Public Health Service Act.

TITLE VII—ORGAN PROCUREMENT AND DONATION

Sec. 701. Organ procurement organization certification.
Sec. 702. Designation of Give Thanks, Give Life Day.

TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

Sec. 801. Alzheimer's clinical research and training awards.

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

Sec. 901. Sexually transmitted disease clinical research and training awards.

TITLE X—MISCELLANEOUS PROVISION

Sec. 1001. Technical correction to the Children's Health Act of 2000.

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

SEC. 101. SHORT TITLE.

This title may be cited as the ''Public Health Threats and Emergencies Act''.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by striking section 319 and inserting the following:

''SEC. 319. PUBLIC HEALTH EMERGENCIES.

''(a) EMERGENCIES.—If the Secretary determines, after consultation with such public health officials as may be necessary, that—

''(1) a disease or disorder presents a public health emergency; or

''(2) a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists,

the Secretary may take such action as may be appropriate to respond to the public health emergency, including making grants and entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of a disease or disorder as described in paragraphs (1) and (2).

''(b) PUBLIC HEALTH EMERGENCY FUND.—

''(1) IN GENERAL.—There is established in the Treasury a fund to be designated as the 'Public Health Emergency Fund' to be made available to the Secretary without fiscal year limitation to carry out subsection (a) only if a public health emergency has been declared by the Secretary under such subsection. There is authorized to be appropriated to the Fund such sums as may be necessary.

''(2) REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report describing—

''(A) the expenditures made from the Public Health Emergency Fund in such fiscal year; and

''(B) each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which was conducted or supported by expenditures from the Fund.

''(c) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''SEC. 319A. NATIONAL NEEDS TO COMBAT THREATS TO PUBLIC HEALTH.

''(a) CAPACITIES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, and such Administrators, Directors, or Commissioners, as may be appropriate, and in collaboration with State and local health officials, shall establish reasonable capacities that are appropriate for national, State, and local public health systems and the personnel or work forces of such systems. Such capacities shall be revised every 10 years, or more frequently as the Secretary determines to be necessary.

''(2) BASIS.—The capacities established under paragraph (1) shall improve, enhance or expand the capacity of national, state and local public health agencies to detect and respond effectively to significant public health threats, including major outbreaks of infectious disease, pathogens resistant to antimicrobial agents and acts of bioterrorism. Such capacities may include the capacity to—

''(A) recognize the clinical signs and epidemiological characteristic of significant outbreaks of infectious disease;

''(B) identify disease-causing pathogens rapidly and accurately;

''(C) develop and implement plans to provide medical care for persons infected with disease-causing agents and to provide preventive care as needed for individuals likely to be exposed to disease-causing agents;

''(D) communicate information relevant to significant public health threats rapidly to local, State and national health agencies, and health care providers; or

''(E) develop or implement policies to prevent the spread of infectious disease or antimicrobial resistance.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States to assist such States in fulfilling the requirements of this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

''SEC. 319B. ASSESSMENT OF PUBLIC HEALTH NEEDS.

''(a) PROGRAM AUTHORIZED.—Not later than 1 year after the date of enactment of this section and every 10 years thereafter, the Secretary shall award grants to States, or consortia of 2 or more States or political subdivisions of States, to perform, in collaboration with local public health agencies, an evaluation to determine the extent to which the States or local public health agencies can achieve the capacities applicable to State and local public health agencies described in subsection (a) of section 319A. The Secretary shall provide technical assistance to States, or consortia of 2 or more States or political subdivisions of States, in addition to awarding such grants.

''(b) PROCEDURE.—

''(1) IN GENERAL.—A State, or a consortium of 2 or more States or political subdivisions of States, may contract with an outside entity to perform the evaluation described in subsection (a).

''(2) METHODS.—To the extent practicable, the evaluation described in subsection (a) shall be completed by using methods, to be developed by the Secretary in collaboration with State and local health officials, that facilitate the comparison of evaluations conducted by a State to those conducted by other States receiving funds under this section.

''(c) REPORT.—Not later than 1 year after the date on which a State, or a consortium of 2 or more States or political subdivisions of States, receives a grant under this subsection, such State, or a consortium of 2 or more States or political subdivisions of States, shall prepare and submit to the Secretary a report describing the results of the evaluation described in subsection (a) with respect to such State, or consortia of 2 or more States or political subdivisions of States.

''(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $45,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2003.

''SEC. 319C. GRANTS TO IMPROVE STATE AND LOCAL PUBLIC HEALTH AGENCIES.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award competitive grants to eligible entities to address core public health capacity needs using the capacities developed under section 319A, with a particular focus on building capacity to identify, detect, monitor, and respond to threats to the public health.

''(b) ELIGIBLE ENTITIES.—A State or political subdivision of a State, or a consortium of 2 or more States or political subdivisions of States, that has completed an evaluation under section

319B(a), or an evaluation that is substantially equivalent as determined by the Secretary under section 319B(a), shall be eligible for grants under subsection (a).

''(c) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a), may use funds received under such grant to—

''(1) train public health personnel;

''(2) develop, enhance, coordinate, or improve participation in an electronic network by which disease detection and public health related information can be rapidly shared among national, regional, State, and local public health agencies and health care providers;

''(3) develop a plan for responding to public health emergencies, including significant outbreaks of infectious diseases or bioterrorism attacks, which is coordinated with the capacities of applicable national, State, and local health agencies and health care providers; and

''(4) enhance laboratory capacity and facilities.

''(d) REPORT.—No later than January 1, 2005, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes the activities carried out under sections 319A, 319B, and 319C.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

''SEC. 319D. REVITALIZING THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

''(a) FINDINGS.—Congress finds that the Centers for Disease Control and Prevention have an essential role in defending against and combatting public health threats of the twenty-first century and requires secure and modern facilities that are sufficient to enable such Centers to conduct this important mission.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of achieving the mission of the Centers for Disease Control and Prevention described in subsection (a), for constructing new facilities and renovating existing facilities of such Centers, including laboratories, laboratory support buildings, health communication facilities, office buildings and other facilities and infrastructure, for better conducting the capacities described in section 319A, and for supporting related public health activities, there are authorized to be appropriated $180,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2010.

''SEC. 319E. COMBATING ANTIMICROBIAL RESISTANCE.

''(a) TASK FORCE.—

''(1) IN GENERAL.—The Secretary shall establish an Antimicrobial Resistance Task Force to provide advice and recommendations to the Secretary and coordinate Federal programs relating to antimicrobial resistance. The Secretary may appoint or select a committee, or other organization in existence as of the date of enactment of this section, to serve as such a task force, if such committee, or other organization meets the requirements of this section.

''(2) MEMBERS OF TASK FORCE.—The task force described in paragraph (1) shall be composed of representatives from such Federal agencies, and shall seek input from public health constituencies, manufacturers, veterinary and medical professional societies and others, as determined to be necessary by the Secretary, to develop and implement a comprehensive plan to address the public health threat of antimicrobial resistance.

''(3) AGENDA.—

''(A) IN GENERAL.—The task force described in paragraph (1) shall consider factors the Secretary considers appropriate, including—

''(i) public health factors contributing to increasing antimicrobial resistance;

''(ii) public health needs to detect and monitor antimicrobial resistance;

''(iii) detection, prevention, and control strategies for resistant pathogens;

''(iv) the need for improved information and data collection;

''(v) the assessment of the risk imposed by pathogens presenting a threat to the public health; and

''(vi) any other issues which the Secretary determines are relevant to antimicrobial resistance.

''(B) DETECTION AND CONTROL.—The Secretary, in consultation with the task force described in paragraph (1) and State and local public health officials, shall—

''(i) develop, improve, coordinate or enhance participation in a surveillance plan to detect and monitor emerging antimicrobial resistance; and

''(ii) develop, improve, coordinate or enhance participation in an integrated information system to assimilate, analyze, and exchange antimicrobial resistance data between public health departments.

''(4) MEETINGS.—The task force described under paragraph (1) shall convene not less than twice a year, or more frequently as the Secretary determines to be appropriate.

''(b) RESEARCH AND DEVELOPMENT OF NEW ANTIMICROBIAL DRUGS AND DIAGNOSTICS.—The Secretary and the Director of Agricultural Research Services, consistent with the recommendations of the task force established under subsection (a), shall conduct and support research, investigations, experiments, demonstrations, and studies in the health sciences that are related to—

''(1) the development of new therapeutics, including vaccines and antimicrobials, against resistant pathogens;

''(2) the development or testing of medical diagnostics to detect pathogens resistant to antimicrobials;

''(3) the epidemiology, mechanisms, and pathogenesis of antimicrobial resistance;

''(4) the sequencing of the genomes of priority pathogens as determined by the Director of the National Institutes of Health in consultation with the task force established under subsection (a); and

''(5) other relevant research areas.

''(c) EDUCATION OF MEDICAL AND PUBLIC HEALTH PERSONNEL.—The Secretary, after consultation with the Assistant Secretary for Health, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Agency for Healthcare Research and Quality, members of the task force described in subsection (a), professional organizations and societies, and such other public health officials as may be necessary, shall—

''(1) develop and implement educational programs to increase the awareness of the general public with respect to the public health threat of antimicrobial resistance and the appropriate use of antibiotics;

''(2) develop and implement educational programs to instruct health care professionals in the prudent use of antibiotics; and

''(3) develop and implement programs to train laboratory personnel in the recognition or identification of resistance in pathogens.

''(d) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award competitive grants to eligible entities to enable such entities to increase the capacity to detect, monitor, and combat antimicrobial resistance.

''(2) ELIGIBLE ENTITIES.—Eligible entities for grants under paragraph (1) shall be State or local public health agencies, Indian tribes or tribal organizations, or other public or private nonprofit entities.

''(3) USE OF FUNDS.—An eligible entity receiving a grant under paragraph (1) shall use funds from such grant for activities that are consistent with the factors identified by the task force under subsection (a)(3), which may include activities that—

''(A) provide training to enable such entity to identify patterns of resistance rapidly and accurately;

''(B) develop, improve, coordinate or enhance participation in information systems by which data on resistant infections can be shared rapidly among relevant national, State, and local health agencies and health care providers; and

''(C) develop and implement policies to control the spread of antimicrobial resistance.

''(e) GRANTS FOR DEMONSTRATION PROGRAMS.—

''(1) IN GENERAL.—The Secretary shall award competitive grants to eligible entities to establish demonstration programs to promote judicious use of antimicrobial drugs or control the spread of antimicrobial-resistant pathogens.

''(2) ELIGIBLE ENTITIES.—Eligible entities for grants under paragraph (1) may include hospitals, clinics, institutions of long-term care, professional medical societies, or other public or private nonprofit entities.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall provide appropriate technical assistance to eligible entities that receive grants under paragraph (1).

''(f) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

''SEC. 319F. PUBLIC HEALTH COUNTERMEASURES TO A BIOTERRORIST ATTACK.

''(a) WORKING GROUP ON PREPAREDNESS FOR ACTS OF BIOTERRORISM.—The Secretary, in coordination with the Secretary of Defense, shall establish a joint interdepartmental working group on preparedness and readiness for the medical and public health effects of a bioterrorist attack on the civilian population. Such joint working group shall—

''(1) coordinate research on pathogens likely to be used in a bioterrorist attack on the civilian population as well as therapies to treat such pathogens;

''(2) coordinate research and development into equipment to detect pathogens likely to be used in a bioterrorist attack on the civilian population and protect against infection from such pathogens;

''(3) develop shared standards for equipment to detect and to protect against infection from pathogens likely to be used in a bioterrorist attack on the civilian population; and

''(4) coordinate the development, maintenance, and procedures for the release of, strategic reserves of vaccines, drugs, and medical supplies which may be needed rapidly after a bioterrorist attack upon the civilian population.

''(b) WORKING GROUP ON THE PUBLIC HEALTH AND MEDICAL CONSEQUENCES OF BIOTERRORISM.—

''(1) IN GENERAL.—The Secretary, in collaboration with the Director of the Federal Emergency Management Agency, the Attorney General, and the Secretary of Agriculture, shall establish a joint interdepartmental working group to address the public health and medical consequences of a bioterrorist attack on the civilian population.

''(2) FUNCTIONS.—Such working group shall—

''(A) assess the priorities for and enhance the preparedness of public health institutions, providers of medical care, and other emergency

service personnel to detect, diagnose, and respond to a bioterrorist attack; and

''(B) in the recognition that medical and public health professionals are likely to provide much of the first response to such an attack, develop, coordinate, enhance, and assure the quality of joint planning and training programs that address the public health and medical consequences of a bioterrorist attack on the civilian population between—

''(i) local firefighters, ambulance personnel, police and public security officers, or other emergency response personnel; and

''(ii) hospitals, primary care facilities, and public health agencies.

''(3) WORKING GROUP MEMBERSHIP.—In establishing such working group, the Secretary shall act through the Assistant Secretary for Health and the Director of the Centers for Disease Control and Prevention.

''(4) COORDINATION.—The Secretary shall ensure coordination and communication between the working groups established in this subsection and subsection (a).

''(c) GRANTS.—

''(1) IN GENERAL.—The Secretary, in coordination with the working group established under subsection (b), shall, on a competitive basis and following scientific or technical review, award grants to or enter into cooperative agreements with eligible entities to enable such entities to increase their capacity to detect, diagnose, and respond to acts of bioterrorism upon the civilian population.

''(2) ELIGIBILITY.—To be an eligible entity under this subsection, such entity must be a State, political subdivision of a State, a consortium of 2 or more States or political subdivisions of States, or a hospital, clinic, or primary care facility.

''(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use such funds for activities that are consistent with the priorities identified by the working group under subsection (b), including—

''(A) training health care professionals and public health personnel to enhance the ability of such personnel to recognize the symptoms and epidemiological characteristics of exposure to a potential bioweapon;

''(B) addressing rapid and accurate identification of potential bioweapons;

''(C) coordinating medical care for individuals exposed to bioweapons; and

''(D) facilitating and coordinating rapid communication of data generated from a bioterrorist attack between national, State, and local health agencies, and health care providers.

''(4) COORDINATION.—The Secretary, in awarding grants under this subsection, shall—

''(A) notify the Director of the Office of Justice Programs, and the Director of the National Domestic Preparedness Office annually as to the amount and status of grants awarded under this subsection; and

''(B) coordinate grants awarded under this subsection with grants awarded by the Office of Emergency Preparedness and the Centers for Disease Control and Prevention for the purpose of improving the capacity of health care providers and public health agencies to respond to bioterrorist attacks on the civilian population.

''(5) ACTIVITIES.—An entity that receives a grant under this subsection shall, to the greatest extent practicable, coordinate activities carried out with such funds with the activities of a local Metropolitan Medical Response System.

''(d) FEDERAL ASSISTANCE.—The Secretary shall ensure that the Department of Health and Human Services is able to provide such assistance as may be needed to State and local health agencies to enable such agencies to respond effectively to bioterrorist attacks.

''(e) EDUCATION.—The Secretary, in collaboration with members of the working group described in subsection (b), and professional organizations and societies, shall—

''(1) develop and implement educational programs to instruct public health officials, medical professionals, and other personnel working in health care facilities in the recognition and care of victims of a bioterrorist attack; and

''(2) develop and implement programs to train laboratory personnel in the recognition and identification of a potential bioweapon.

''(f) FUTURE RESOURCE DEVELOPMENT.—The Secretary shall consult with the working group described in subsection (a), to develop priorities for and conduct research, investigations, experiments, demonstrations, and studies in the health sciences related to—

''(1) the epidemiology and pathogenesis of potential bioweapons;

''(2) the development of new vaccines or other therapeutics against pathogens likely to be used in a bioterrorist attack;

''(3) the development of medical diagnostics to detect potential bioweapons; and

''(4) other relevant research areas.

''(g) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 180 days after the date of enactment of this section, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes—

''(1) Federal activities primarily related to research on, preparedness for, and the management of the public health and medical consequences of a bioterrorist attack against the civilian population;

''(2) the coordination of the activities described in paragraph (1);

''(3) the amount of Federal funds authorized or appropriated for the activities described in paragraph (1); and

''(4) the effectiveness of such efforts in preparing national, State, and local authorities to address the public health and medical consequences of a potential bioterrorist attack against the civilian population.

''(h) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $215,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

''SEC. 319G. DEMONSTRATION PROGRAM TO ENHANCE BIOTERRORISM TRAINING, COORDINATION, AND READINESS.

''(a) IN GENERAL.—The Secretary shall make grants to not more than three eligible entities to carry out demonstration programs to improve the detection of pathogens likely to be used in a bioterrorist attack, the development of plans and measures to respond to bioterrorist attacks, and the training of personnel involved with the various responsibilities and capabilities needed to respond to acts of bioterrorism upon the civilian population. Such awards shall be made on a competitive basis and pursuant to scientific and technical review.

''(b) ELIGIBLE ENTITIES.—Eligible entities for grants under subsection (a) are States, political subdivisions of States, and public or private non-profit organizations.

''(c) SPECIFIC CRITERIA.—In making grants under subsection (a), the Secretary shall take into account the following factors:

''(1) Whether the eligible entity involved is proximate to, and collaborates with, a major research university with expertise in scientific training, identification of biological agents, medicine, and life sciences.

''(2) Whether the entity is proximate to, and collaborates with, a laboratory that has expertise in the identification of biological agents.

''(3) Whether the entity demonstrates, in the application for the program, support and participation of State and local governments and research institutions in the conduct of the program.

''(4) Whether the entity is proximate to, and collaborates with, or is, an academic medical center that has the capacity to serve an uninsured or underserved population, and is equipped to educate medical personnel.

''(5) Such other factors as the Secretary determines to be appropriate.

''(d) DURATION OF AWARD.—The period during which payments are made under a grant under subsection (a) may not exceed five years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

''(e) SUPPLEMENT NOT SUPPLANT.—Grants under subsection (a) shall be used to supplement, and not supplant, other Federal, State, or local public funds provided for the activities described in such subsection.

''(f) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 180 days after the conclusion of the demonstration programs carried out under subsection (a), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Commerce and the Committee on Appropriations of the House of Representatives, a report that describes the ability of grantees under such subsection to detect pathogens likely to be used in a bioterrorist attack, develop plans and measures for dealing with such threats, and train personnel involved with the various responsibilities and capabilities needed to deal with bioterrorist threats.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000 for fiscal year 2001, and such sums as may be necessary through fiscal year 2006.''.

TITLE II—CLINICAL RESEARCH ENHANCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Clinical Research Enhancement Act of 1999''.

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.

(2) Tremendous advances in biology are opening doors to new insights into human physiology, pathophysiology and disease, creating extraordinary opportunities for clinical research.

(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.

(4) The United States will spend more than $1,200,000,000,000 on health care in 1999, but the Federal budget for health research at the National Institutes of Health was $15,600,000,000 only 1 percent of that total.

(5) Studies at the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.

(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and appointed a special panel, which recommended expanded support for existing National Institutes of Health clinical research programs and the creation of new initiatives to recruit and retain clinical investigators.

(7) The current level of training and support for health professionals in clinical research is fragmented, undervalued, and underfunded.

(8) Young investigators are not only apprentices for future positions but a crucial source of energy, enthusiasm, and ideas in the day-to-day research that constitutes the scientific enterprise. Serious questions about the future of life-science research are raised by the following:

(A) The number of young investigators applying for grants dropped by 54 percent between 1985 and 1993.

(B) The number of physicians applying for first-time National Institutes of Health research project grants fell from 1226 in 1994 to 963 in 1998, a 21 percent reduction.

(C) Newly independent life-scientists are expected to raise funds to support their new research programs and a substantial proportion of their own salaries.

(9) The following have been cited as reasons for the decline in the number of active clinical researchers, and those choosing this career path:

(A) A medical school graduate incurs an average debt of $85,619, as reported in the Medical School Graduation Questionnaire by the Association of American Medical Colleges (AAMC).

(B) The prolonged period of clinical training required increases the accumulated debt burden.

(C) The decreasing number of mentors and role models.

(D) The perceived instability of funding from the National Institutes of Health and other Federal agencies.

(E) The almost complete absence of clinical research training in the curriculum of training grant awardees.

(F) Academic Medical Centers are experiencing difficulties in maintaining a proper environment for research in a highly competitive health care marketplace, which are compounded by the decreased willingness of third party payers to cover health care costs for patients engaged in research studies and research procedures.

(10) In 1960, general clinical research centers were established under the Office of the Director of the National Institutes of Health with an initial appropriation of $3,000,000.

(11) Appropriations for general clinical research centers in fiscal year 1999 equaled $200,500,000.

(12) Since the late 1960s, spending for general clinical research centers has declined from approximately 3 percent to 1 percent of the National Institutes of Health budget.

(13) In fiscal year 1999, there were 77 general clinical research centers in operation, supplying patients in the areas in which such centers operate with access to the most modern clinical research and clinical research facilities and technologies.

(b) PURPOSE.—It is the purpose of this title to provide additional support for and to expand clinical research programs.

SEC. 203. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"SEC. 409C. CLINICAL RESEARCH.

''(a) IN GENERAL.—The Director of National Institutes of Health shall undertake activities to support and expand the involvement of the National Institutes of Health in clinical research.

''(b) REQUIREMENTS.—In carrying out subsection (a), the Director of National Institutes of Health shall—

''(1) consider the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research; and

''(2) establish intramural and extramural clinical research fellowship programs directed specifically at medical and dental students and a continuing education clinical research training program at the National Institutes of Health.

''(c) SUPPORT FOR THE DIVERSE NEEDS OF CLINICAL RESEARCH.—The Director of National Institutes of Health, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including inpatient, outpatient, and critical care clinical research.

''(d) PEER REVIEW.—The Director of National Institutes of Health shall establish peer review mechanisms to evaluate applications for the awards and fellowships provided for in subsection (b)(2) and section 409D. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.''.

SEC. 204. GENERAL CLINICAL RESEARCH CENTERS.

(a) GRANTS.—Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

"SEC. 481C. GENERAL CLINICAL RESEARCH CENTERS.

''(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

''(b) ACTIVITIES.—In carrying out subsection (a), the Director of National Institutes of Health shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.''.

(b) ENHANCEMENT AWARDS.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 203, is further amended by adding at the end the following:

"SEC. 409D. ENHANCEMENT AWARDS.

''(a) MENTORED PATIENT-ORIENTED RESEARCH CAREER DEVELOPMENT AWARDS.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mentored Patient-Oriented Research Career Development Awards') to support individual careers in clinical research at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

''(B) USE.—Grants under subparagraph (A) shall be used to support clinical investigators in the early phases of their independent careers by providing salary and such other support for a period of supervised study.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(b) MID-CAREER INVESTIGATOR AWARDS IN PATIENT-ORIENTED RESEARCH.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mid-Career Investigator Awards in Patient-Oriented Research') to support individual clinical research projects at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

''(B) USE.—Grants under subparagraph (A) shall be used to provide support for mid-career level clinicians to allow such clinicians to devote time to clinical research and to act as mentors for beginning clinical investigators.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(c) GRADUATE TRAINING IN CLINICAL INVESTIGATION AWARD.—

''(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Graduate Training in Clinical Investigation Awards') to support individuals pursuing master's or doctoral degrees in clinical investigation.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) LIMITATIONS.—Grants under this subsection shall be for terms of 2 years or more and shall provide stipend, tuition, and institutional support for individual advanced degree programs in clinical investigation.

''(4) DEFINITION.—As used in this subsection, the term 'advanced degree programs in clinical investigation' means programs that award a master's or Ph.D. degree in clinical investigation after 2 or more years of training in areas such as the following:

''(A) Analytical methods, biostatistics, and study design.

''(B) Principles of clinical pharmacology and pharmacokinetics.

''(C) Clinical epidemiology.

''(D) Computer data management and medical informatics.

''(E) Ethical and regulatory issues.

''(F) Biomedical writing.

''(5) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(d) CLINICAL RESEARCH CURRICULUM AWARDS.—

''(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Clinical Research Curriculum Awards') to institutions for the development and support of programs of core curricula for training clinical investigators, including medical students. Such core curricula may include training in areas such as the following:

''(A) Analytical methods, biostatistics, and study design.

''(B) Principles of clinical pharmacology and pharmacokinetics.

''(C) Clinical epidemiology.

''(D) Computer data management and medical informatics.

''(E) Ethical and regulatory issues.

''(F) Biomedical writing.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual institution or a consortium of institutions at such time as the Director may require. An institution may submit only 1 such application.

''(3) LIMITATIONS.—Grants under this subsection shall be for terms of up to 5 years and may be renewable.

''(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.''.

SEC. 205. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288–5) the following:

"SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified health professionals under which such health professionals agree to conduct clinical research, in consideration of the Federal Government agreeing to

repay, for each year of service conducting such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

''(b) APPLICATION OF PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

''(c) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(2) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.''.

SEC. 206. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 284d) is amended—

(1) by striking ''For purposes'' and inserting ''(a) HEALTH SERVICE RESEARCH.—For purposes''; and

(2) by adding at the end the following:

''(b) CLINICAL RESEARCH.—As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations involving material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology or disease, or epidemiologic or behavioral studies, outcomes research or health services research, or developing new technologies, therapeutic interventions, or clinical trials.''.

SEC. 207. OVERSIGHT BY GENERAL ACCOUNTING OFFICE.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a reporting describing the extent to which the National Institutes of Health has complied with the amendments made by this title.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

SEC. 301. SHORT TITLE.

This title may be cited as the ''Twenty-First Century Research Laboratories Act''.

SEC. 302. FINDINGS.

Congress finds that—

(1) the National Institutes of Health is the principal source of Federal funding for medical research at universities and other research institutions in the United States;

(2) the National Institutes of Health has received a substantial increase in research funding from Congress for the purpose of expanding the national investment of the United States in behavioral and biomedical research;

(3) the infrastructure of our research institutions is central to the continued leadership of the United States in medical research;

(4) as Congress increases the investment in cutting-edge basic and clinical research, it is critical that Congress also examine the current quality of the laboratories and buildings where research is being conducted, as well as the quality of laboratory equipment used in research;

(5) many of the research facilities and laboratories in the United States are outdated and inadequate;

(6) the National Science Foundation found, in a 1998 report on the status of biomedical research facilities, that over 60 percent of research-performing institutions indicated that they had an inadequate amount of medical research space;

(7) the National Science Foundation reports that academic institutions have deferred nearly $11,000,000,000 in renovation and construction projects because of a lack of funds; and

(8) future increases in Federal funding for the National Institutes of Health must include increased support for the renovation and construction of extramural research facilities in the United States and the purchase of state-of-the-art laboratory instrumentation.

SEC. 303. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Section 481A of the Public Health Service Act (42 U.S.C. 287a–2 et seq.) is amended to read as follows:

''SEC. 481A. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

''(a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

''(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

''(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

''(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

''(1) IN GENERAL: APPROVAL AS PRECONDITION TO GRANTS.—

''(A) ESTABLISHMENT.—There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (referred to in this section as the 'Board').

''(B) REQUIREMENT.—The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

''(2) DUTIES.—

''(A) ADVICE.—The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (in this section referred to as the 'Advisory Council') in carrying out this section.

''(B) DETERMINATION OF MERIT.—In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

''(C) AMOUNT.—In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided under the grant.

''(D) ANNUAL REPORT.—In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

''(i) summarize and analyze expenditures made under this section;

''(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

''(iii) contain the recommendations of the Board for any changes in the administration of this section.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 15 members to be appointed by the Director of the Center, and such ad-hoc or temporary members as the Director of the Center determines to be appropriate. All members of the Board, including temporary and ad-hoc members, shall be voting members.

''(B) LIMITATION.—Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

''(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

''(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

''(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

''(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

''(D) are experienced with emerging centers of excellence, as described in subsection (c)(2).

''(5) CERTAIN AUTHORITIES.—

''(A) WORKSHOPS AND CONFERENCES.—In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

''(B) SUBCOMMITTEES.—In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

''(6) TERMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

''(B) STAGGERED TERMS.—Members appointed to the Board shall serve staggered terms as specified by the Director of the Center when making the appointments.

''(C) REAPPOINTMENT.—No member of the Board shall be eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

''(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

''(c) REQUIREMENTS FOR GRANTS.—

''(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

''(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

''(B) The applicant provides assurances satisfactory to the Director that—

''(i) for not less than 20 years after completion of the construction involved, the facility will be used for the purposes of the research for which it is to be constructed;

''(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

''(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

''(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

''(C) The applicant meets reasonable qualifications established by the Director with respect to—

''(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

''(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

''(iii) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

''(iv) the age and condition of existing research facilities.

''(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

''(2) INSTITUTIONS OF EMERGING EXCELLENCE.—From the amount appropriated under subsection (i) for a fiscal year up to $50,000,000, the Director of the Center shall make available 25 percent of such amount, and from the amount appropriated under such subsection for a fiscal year that is over $50,000,000, the Director of the Center shall make available up to 25 percent of such amount, for grants under subsection (a) to applicants that in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

''(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

''(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

''(C) The applicant has been productive in research or research development and training.

''(D) The applicant—

''(i) has been designated as a center of excellence under section 739;

''(ii) is located in a geographic area whose population includes a significant number of individuals with health status deficit, and the applicant provides health services to such individuals; or

''(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect the health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

''(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(e) AMOUNT OF GRANT; PAYMENTS.—

''(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

''(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

''(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

''(2) RESERVATION OF AMOUNTS.—On the approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available for such grants, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

''(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

''(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

''(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

''(4) WAIVER OF LIMITATIONS.—The limitations imposed under paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in subsection (c).

''(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

''(1) the applicant or other owner of the facility shall cease to be a public or non profit private entity; or

''(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

''(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

''(h) REPORT TO CONGRESS.—The Director of the Center shall prepare and submit to the appropriate committees of Congress a biennial report concerning the status of the biomedical and behavioral research facilities and the availability and condition of technologically sophisticated laboratory equipment in the United States. Such reports shall be developed in concert with the report prepared by the National Science Foundation on the needs of research facilities of universities as required under section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $250,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.''.

SEC. 304. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTERS.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking ''1994'' and all that follows through ''$5,000,000'' and inserting ''2000 through 2002, reserve from the amounts appropriated under section 481A(i) such sums as necessary''.

SEC. 305. SHARED INSTRUMENTATION GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year, to enable the Secretary of Health and Human Services, acting through the Director of the National Center for Research Resources, to provide for the continued operation of the Shared Instrumentation Grant Program (initiated in fiscal year 1992 under the authority of section 479 of the Public Health Service Act (42 U.S.C. 287 et seq.)).

(b) REQUIREMENTS FOR GRANTS.—In determining whether to award a grant to an applicant under the program described in subsection (a), the Director of the National Center for Research Resources shall consider—

(1) the extent to which an award for the specific instrument involved would meet the scientific needs and enhance the planned research endeavors of the major users by providing an instrument that is unavailable or to which availability is highly limited;

(2) with respect to the instrument involved, the availability and commitment of the appropriate technical expertise within the major user group or the applicant institution for use of the instrumentation;

(3) the adequacy of the organizational plan for the use of the instrument involved and the internal advisory committee for oversight of the applicant, including sharing arrangements if any;

(4) the applicant's commitment for continued support of the utilization and maintenance of the instrument; and

(5) the extent to which the specified instrument will be shared and the benefit of the proposed instrument to the overall research community to be served.

(c) PEER REVIEW.—In awarding grants under the program described in subsection (a) Director of the National Center for Research Resources shall comply with the peer review requirements in section 492 of the Public Health Service Act (42 U.S.C. 289a).

TITLE IV—CARDIAC ARREST SURVIVAL

Subtitle A—Recommendations for Federal Buildings

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Cardiac Arrest Survival Act of 2000''.

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) Over 700 lives are lost every day to sudden cardiac arrest in the United States alone.

(2) Two out of every three sudden cardiac deaths occur before a victim can reach a hospital.

(3) More than 95 percent of these cardiac arrest victims will die, many because of lack of readily available life saving medical equipment.

(4) With current medical technology, up to 30 percent of cardiac arrest victims could be saved if victims had access to immediate medical response, including defibrillation and cardiopulmonary resuscitation.

(5) Once a victim has suffered a cardiac arrest, every minute that passes before returning the heart to a normal rhythm decreases the chance of survival by 10 percent.

(6) Most cardiac arrests are caused by abnormal heart rhythms called ventricular fibrillation. Ventricular fibrillation occurs when the heart's electrical system malfunctions, causing a chaotic rhythm that prevents the heart from pumping oxygen to the victim's brain and body.

(7) Communities that have implemented programs ensuring widespread public access to defibrillators, combined with appropriate training, maintenance, and coordination with local emergency medical systems, have dramatically improved the survival rates from cardiac arrest.

(8) Automated external defibrillator devices have been demonstrated to be safe and effective, even when used by lay people, since the devices are designed not to allow a user to administer a shock until after the device has analyzed a victim's heart rhythm and determined that an electric shock is required.

(9) Increasing public awareness regarding automated external defibrillator devices and encouraging their use in Federal buildings will greatly facilitate their adoption.

(10) Limiting the liability of Good Samaritans and acquirers of automated external defibrillator devices in emergency situations may encourage the use of automated external defibrillator devices, and result in saved lives.

SEC. 403. RECOMMENDATIONS AND GUIDELINES OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following:

''RECOMMENDATIONS AND GUIDELINES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS

''SEC. 247. (a) GUIDELINES ON PLACEMENT.—The Secretary shall establish guidelines with respect to placing automated external defibrillator devices in Federal buildings. Such guidelines shall take into account the extent to which such devices may be used by lay persons, the typical number of employees and visitors in the buildings, the extent of the need for security measures regarding the buildings, buildings or portions of buildings in which there are special circumstances such as high electrical voltage or extreme heat or cold, and such other factors as the Secretary determines to be appropriate.

''(b) RELATED RECOMMENDATIONS.—The Secretary shall publish in the Federal Register the recommendations of the Secretary on the appropriate implementation of the placement of automated external defibrillator devices under subsection (a), including procedures for the following:

''(1) Implementing appropriate training courses in the use of such devices, including the role of cardiopulmonary resuscitation.

''(2) Proper maintenance and testing of the devices.

''(3) Ensuring coordination with appropriate licensed professionals in the oversight of training of the devices.

''(4) Ensuring coordination with local emergency medical systems regarding the placement and incidents of use of the devices.

''(c) CONSULTATIONS; CONSIDERATION OF CERTAIN RECOMMENDATIONS.—In carrying out this section, the Secretary shall—

''(1) consult with appropriate public and private entities;

''(2) consider the recommendations of national and local public-health organizations for improving the survival rates of individuals who experience cardiac arrest in nonhospital settings by minimizing the time elapsing between the onset of cardiac arrest and the initial medical response, including defibrillation as necessary; and

''(3) consult with and counsel other Federal agencies where such devices are to be used.

''(d) DATE CERTAIN FOR ESTABLISHING GUIDELINES AND RECOMMENDATIONS.—The Secretary shall comply with this section not later than 180 days after the date of the enactment of the Cardiac Arrest Survival Act of 2000.

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'automated external defibrillator device' has the meaning given such term in section 248.

''(2) The term 'Federal building' includes a building or portion of a building leased or rented by a Federal agency, and includes buildings on military installations of the United States.''.

SEC. 404. GOOD SAMARITAN PROTECTIONS REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 403, is amended by adding at the end the following:

''LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

''SEC. 248. (a) GOOD SAMARITAN PROTECTIONS REGARDING AEDS.—Except as provided in subsection (b), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency is immune from civil liability for any harm resulting from the use or attempted use of such device; and in addition, any person who acquired the device is immune from such liability, if the harm was not due to the failure of such acquirer of the device—

''(1) to notify local emergency response personnel or other appropriate entities of the most recent placement of the device within a reasonable period of time after the device was placed;

''(2) to properly maintain and test the device; or

''(3) to provide appropriate training in the use of the device to an employee or agent of the acquirer when the employee or agent was the person who used the device on the victim, except that such requirement of training does not apply if—

''(A) the employee or agent was not an employee or agent who would have been reasonably expected to use the device; or

''(B) the period of time elapsing between the engagement of the person as an employee or agent and the occurrence of the harm (or between the acquisition of the device and the occurrence of the harm, in any case in which the device was acquired after such engagement of the person) was not a reasonably sufficient period in which to provide the training.

''(b) INAPPLICABILITY OF IMMUNITY.—Immunity under subsection (a) does not apply to a person if—

''(1) the harm involved was caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed; or

''(2) the person is a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional and within the scope of the employment or agency of the professional; or

''(3) the person is a hospital, clinic, or other entity whose purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; or

''(4) the person is an acquirer of the device who leased the device to a health care entity (or who otherwise provided the device to such entity for compensation without selling the device to the entity), and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent.

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—The following applies with respect to this section:

''(A) This section does not establish any cause of action, or require that an automated external defibrillator device be placed at any building or other location.

''(B) With respect to a class of persons for which this section provides immunity from civil liability, this section supersedes the law of a State only to the extent that the State has no statute or regulations that provide persons in such class with immunity for civil liability arising from the use by such persons of automated external defibrillator devices in emergency situations (within the meaning of the State law or regulation involved).

''(C) This section does not waive any protection from liability for Federal officers or employees under—

''(i) section 224; or

''(ii) sections 1346(b), 2672, and 2679 of title 28, United States Code, or under alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28.

''(2) CIVIL ACTIONS UNDER FEDERAL LAW.—

''(A) IN GENERAL.—The applicability of subsections (a) and (b) includes applicability to any action for civil liability described in subsection (a) that arises under Federal law.

''(B) FEDERAL AREAS ADOPTING STATE LAW.—If a geographic area is under Federal jurisdiction and is located within a State but out of the jurisdiction of the State, and if, pursuant to Federal law, the law of the State applies in such area regarding matters for which there is no applicable Federal law, then an action for civil liability described in subsection (a) that in such area arises under the law of the State is subject to subsections (a) through (c) in lieu of any related State law that would apply in such area in the absence of this subparagraph.

''(d) FEDERAL JURISDICTION.—In any civil action arising under State law, the courts of the State involved have jurisdiction to apply the provisions of this section exclusive of the jurisdiction of the courts of the United States.

''(e) DEFINITIONS.—

''(1) PERCEIVED MEDICAL EMERGENCY.—For purposes of this section, the term 'perceived medical emergency' means circumstances in which the behavior of an individual leads a reasonable person to believe that the individual is experiencing a life-threatening medical condition that requires an immediate medical response regarding the heart or other cardiopulmonary functioning of the individual.

''(2) OTHER DEFINITIONS.—For purposes of this section:

''(A) The term 'automated external defibrillator device' means a defibrillator device that—

''(i) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act;

''(ii) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed;

''(iii) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual; and

''(iv) in the case of a defibrillator device that may be operated in either an automated or a manual mode, is set to operate in the automated mode.

''(B)(i) The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

''(ii) The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

''(iii) The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.''.

Subtitle B—Rural Access to Emergency Devices

SEC. 411. SHORT TITLE.

This subtitle may be cited as the ''Rural Access to Emergency Devices Act'' or the ''Rural AED Act''.

SEC. 412. FINDINGS.

Congress makes the following findings:

(1) Heart disease is the leading cause of death in the United States.

(2) The American Heart Association estimates that 250,000 Americans die from sudden cardiac arrest each year.

(3) A cardiac arrest victim's chance of survival drops 10 percent for every minute that passes before his or her heart is returned to normal rhythm.

(4) Because most cardiac arrest victims are initially in ventricular fibrillation, and the only treatment for ventricular fibrillation is defibrillation, prompt access to defibrillation to return the heart to normal rhythm is essential.

(5) Lifesaving technology, the automated external defibrillator, has been developed to allow trained lay rescuers to respond to cardiac arrest by using this simple device to shock the heart into normal rhythm.

(6) Those people who are likely to be first on the scene of a cardiac arrest situation in many communities, particularly smaller and rural communities, lack sufficient numbers of automated external defibrillators to respond to cardiac arrest in a timely manner.

(7) The American Heart Association estimates that more than 50,000 deaths could be prevented each year if defibrillators were more widely available to designated responders.

(8) Legislation should be enacted to encourage greater public access to automated external defibrillators in communities across the United States.

SEC. 413. GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Rural Health Outreach Office of the Health Resources and Services Administration, shall award grants to community partnerships that meet the requirements of subsection (b) to enable such partnerships to purchase equipment and provide training as provided for in subsection (c).

(b) COMMUNITY PARTNERSHIPS.—A community partnership meets the requirements of this subsection if such partnership—

(1) is composed of local emergency response entities such as community training facilities, local emergency responders, fire and rescue departments, police, community hospitals, and local non-profit entities and for-profit entities concerned about cardiac arrest survival rates;

(2) evaluates the local community emergency response times to assess whether they meet the standards established by national public health organizations such as the American Heart Association and the American Red Cross; and

(3) submits to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts provided under a grant under this section shall be used—

(1) to purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration; and

(2) to provide defibrillator and basic life support training in automated external defibrillator usage through the American Heart Association, the American Red Cross, or other nationally recognized training courses.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether the increased availability of defibrillators has affected survival rates in the communities in which grantees under this section operated. The procedures under which the Secretary obtains data and prepares the report under this subsection shall not impose an undue burden on program participants under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for fiscal years 2001 through 2003 to carry out this section.

TITLE V—LUPUS RESEARCH AND CARE

SEC. 501. SHORT TITLE.

This title may be cited as the ''Lupus Research and Care Amendments of 2000''.

SEC. 502. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women nine times more often than men;

(3) there are three main types of lupus: systemic lupus, a serious form of the disease that affects many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is three times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that between 1,400,000 and 2,000,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatments for the disease can be effective, but may lead to damaging side effects;

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives; and

(10) in fiscal year 1996, the amount allocated by the National Institutes of Health for research on lupus was $33,000,000, which is less than one-half of 1 percent of the budget for such Institutes.

Subtitle A—Research on Lupus

SEC. 511. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following:

''LUPUS

''SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

''(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

''(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

''(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

''(2) Basic research concerning the etiology and causes of the disease.

''(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease.

''(4) The development of improved diagnostic techniques.

''(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

''(6) Information and education programs for health care professionals and the public.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.''.

Subtitle B—Delivery of Services Regarding Lupus

SEC. 521. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall in accordance with this subtitle make grants to provide for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with lupus and their families.

(b) RECIPIENTS OF GRANTS.—A grant under subsection (a) may be made to an entity only if the entity is a public or nonprofit private entity, which may include a State or local government; a public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, or homeless health center; or other appropriate public or nonprofit private entity.

(c) CERTAIN ACTIVITIES.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide services for the diagnosis and disease management of lupus. Activities that the Secretary may authorize for such projects may also include the following:

(1) Delivering or enhancing outpatient, ambulatory, and home-based health and support services, including case management and comprehensive treatment services, for individuals with lupus; and delivering or enhancing support services for their families.

(2) Delivering or enhancing inpatient care management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities of individuals with lupus.

(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with lupus and support services for their families.

(d) INTEGRATION WITH OTHER PROGRAMS.—To the extent practicable and appropriate, the Secretary shall integrate the program under this subtitle with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

SEC. 522. CERTAIN REQUIREMENTS.

A grant may be made under section 521 only if the applicant involved makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of lupus.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payment for services authorized under section 521(a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 521(a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

SEC. 523. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to assist entities in complying with the requirements of this subtitle in order to make such entities eligible to receive grants under section 521.

SEC. 524. DEFINITIONS.

For purposes of this subtitle:

(1) OFFICIAL POVERTY LINE.—The term ''official poverty line'' means the poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 525. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Prostate Cancer Research and Prevention Act''.

SEC. 602. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PREVENTIVE HEALTH MEASURES.—Section 317D of the Public Health Service Act (42 U.S.C. 247b–5) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and local health departments for the purpose of enabling such States and departments to carry out programs that may include the following:

''(1) To identify factors that influence the attitudes or levels of awareness of men and health care practitioners regarding screening for prostate cancer.

''(2) To evaluate, in consultation with the Agency for Health Care Policy and Research and the National Institutes of Health, the effectiveness of screening strategies for prostate cancer.

''(3) To identify, in consultation with the Agency for Health Care Policy and Research, issues related to the quality of life for men after prostrate cancer screening and followup.

''(4) To develop and disseminate public information and education programs for prostate cancer, including appropriate messages about the risks and benefits of prostate cancer screening for the general public, health care providers, policy makers and other appropriate individuals.

''(5) To improve surveillance for prostate cancer.

''(6) To address the needs of underserved and minority populations regarding prostate cancer.

''(7) Upon a determination by the Secretary, who shall take into consideration recommendations by the United States Preventive Services Task Force and shall seek input, where appropriate, from professional societies and other private and public entities, that there is sufficient consensus on the effectiveness of prostate cancer screening—

''(A) to screen men for prostate cancer as a preventive health measure;

''(B) to provide appropriate referrals for the medical treatment of men who have been screened under subparagraph (A) and to ensure, to the extent practicable, the provision of appropriate followup services and support services such as case management;

''(C) to establish mechanisms through which State and local health departments can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

''(D) to improve, in consultation with the Health Resources and Services Administration, the education, training, and skills of health practitioners (including appropriate allied health professionals) in the detection and control of prostate cancer.

''(8) To evaluate activities conducted under paragraphs (1) through (7) through appropriate surveillance or program monitoring activities.''; and

(2) in subsection (l)(1), by striking ''1998'' and inserting ''2004''.

(b) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a–8(c)) is amended by striking ''and 1996'' and inserting ''through 2004''.

TITLE VII—ORGAN PROCUREMENT AND DONATION

SEC. 701. ORGAN PROCUREMENT ORGANIZATION CERTIFICATION.

(a) SHORT TITLE.—This section may be cited as the ''Organ Procurement Organization Certification Act of 2000''.

(b) FINDINGS.—Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authority under section 1138(b)(1)(A)(i) of the Social Security Act (42 U.S.C. 1320b–8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to—

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for appeals.

(c) CERTIFICATION AND RECERTIFICATION OF ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

''(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either—

''(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of—

''(I) January 1, 2002; or

''(II) the completion of recertification under the requirements of clause (ii); or

''(ii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that—

''(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

''(II) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

''(III) use multiple outcome measures as part of the certification process; and

''(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;''.

SEC. 702. DESIGNATION OF GIVE THANKS, GIVE LIFE DAY.

(a) FINDINGS.—Congress finds that—

(1) traditionally, Thanksgiving is a time for families to take time out of their busy lives to come together and to give thanks for the many blessings in their lives;

(2) approximately 21,000 men, women, and children in the United States are given the gift of life each year through transplantation surgery, made possible by the generosity of organ and tissue donations;

(3) more than 66,000 Americans are awaiting their chance to prolong their lives by finding a matching donor;

(4) nearly 5,000 of these patients each year (or 13 patients each day) die while waiting for a donated heart, liver, kidney, or other organ;

(5) nationwide there are up to 15,000 potential donors annually, but families' consent to donation is received for less than 6,000;

(6) the need for organ donations greatly exceeds the supply available;

(7) designation as an organ donor on a driver's license or voter's registration is a valuable step, but does not ensure donation when an occasion arises;

(8) the demand for transplantation will likely increase in the coming years due to the growing safety of transplantation surgery due to improvements in technology and drug developments, prolonged life expectancy, and increased prevalence of diseases that may lead to organ damage and failure, including hypertension, alcoholism, and hepatitis C infection;

(9) the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

(10) the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient's initial intent;

(11) many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

(12) some family members may be reluctant to give consent to donate their deceased loved one's organs and tissues at a very difficult and emotional time if that person has not clearly expressed a desire or willingness to do so;

(13) the vast majority of Americans are likely to spend part of Thanksgiving Day with some of

those family members who would be approached to make such a decision; and

(14) it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings.

(b) DESIGNATION.—November 23, 2000, Thanksgiving Day, is hereby designated as a day to ''Give Thanks, Give Life'' and to discuss organ and tissue donation with other family members so that informed decisions can be made if the occasion to donate arises.

TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

SEC. 801. ALZHEIMER'S CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.) is amended—

(1) by redesignating section 445I as section 445J; and

(2) by inserting after section 445H the following:

''SEC. 445I. ALZHEIMER'S CLINICAL RESEARCH AND TRAINING AWARDS.

''(a) IN GENERAL.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with Alzheimer's disease.

''(b) SUPPORT OF PROMISING CLINICIANS.—In order to foster the application of the most current developments in the etiology, pathogenesis, diagnosis, prevention and treatment of Alzheimer's disease, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in Alzheimer's disease research and treatment.

''(c) EXCELLENCE IN CERTAIN FIELDS.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in neuroscience, neurobiology, geriatric medicine, and psychiatry and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.''.

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

SEC. 901. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f et seq.) is amended by adding at the end the following:

''SEC. 447B. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

''(a) IN GENERAL.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with sexually transmitted diseases.

''(b) SUPPORT OF PROMISING CLINICIANS.—In order to foster the application of the most current developments in the etiology, pathogenesis, diagnosis, prevention and treatment of sexually transmitted diseases, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in sexually transmitted disease research and treatment.

''(c) EXCELLENCE IN CERTAIN FIELDS.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in the etiology and pathogenesis of sexually transmitted diseases and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.''.

TITLE X—MISCELLANEOUS PROVISION

SEC. 1001. TECHNICAL CORRECTION TO THE CHILDREN'S HEALTH ACT OF 2000.

(a) IN GENERAL.—Section 2701 of the Children's Health Act of 2000 is amended by striking ''part 45 of title 46'' and inserting ''part 46 of title 45''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of the Children's Health Act of 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 2498.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 2498, and I urge my colleagues to join me in voting to approve this very critical legislation.

The bill before us today is comprised of a number of bipartisan, noncontroversial public health measures. It includes key provisions to respond to emerging health threats, save victims of cardiac arrest, promote clinical research, improve our research infrastructure, and fight prostate cancer and lupus.

I would like to highlight a few of these provisions. First, H.R. 2498 includes the provisions of the 21st Century Research Laboratories Act, legislation which I introduced earlier this year. There is no doubt that America is the worldwide leader in medical research, both at the National Institutes of Health and at our research facilities throughout the Nation. However, while Congress has worked successfully to increase funding for medical research, monies for building construction and renovation have lagged.

Mr. Speaker, my legislation responds to this problem by authorizing the director of the National Center for Research Resources at the NIH to make grants or enter into contracts to expand or renovate existing research facilities and construct new research facilities. It also authorizes grants for the purchase of state-of-the-art laboratory instrumentation.

In addition, H.R. 2498 includes the provisions of the Lupus Research Act, which was originally introduced by the gentlewoman from Florida (Mrs. MEEK). She has been a tireless advocate for this proposal, and it was overwhelmingly approved by the House earlier this month.

Today, over 1.4 million Americans have lupus, a devastating disease that causes the immune system to attack the body's own cells and organs. Ninety percent of the victims of lupus are women, and the disease is more common among women of color. By the time some lupus patients are diagnosed, especially in poor or rural communities, irreversible damage to vital organs has already occurred.

The bill before us expands Federal lupus research activities through the NIH, and it authorizes the Secretary of Health and Human Services to make project grants for the delivery of essential services. These projects will help identify innovative ways to respond to this terrible disease.

H.R. 2498, Mr. Speaker, also includes the provisions of the Cardiac Arrest Survival Act, which was authored by the gentleman from Florida (Mr. STEARNS). I want to truly commend him for his leadership in advancing this initiative, which passed the House in May with strong support.

Each year, a quarter million Americans die due to cardiac arrest. Many of these victims could be saved if portable medical devices called automated external defibrillators, or AEDs, were used. AEDs can analyze heart rhythms for abnormalities, and if warranted, deliver a life-saving shock to the heart. An estimated 20,000 to 100,000 lives could be saved annually by greater access to AEDs.

H.R. 2498 directs the Secretary of Health and Human Services to issue regulations to provide for the placement of AEDs in Federal buildings. The bill also establishes protections from civil liability arising from the emergency use of these devices.

Mr. Speaker, the proposals incorporated in this legislative package will literally save lives, and I am grateful to the many Members of both sides of the aisle who worked so hard to advance this cause.

In that regard, I want to thank the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, the gentleman from Michigan (Mr. DINGELL), ranking member, and in particular the gentleman from Ohio (Mr. BROWN), a ranking member of the Subcommittee on Health and Environment.

I also want to recognize and thank the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from North Carolina (Mr. BURR) for their contributions to this legislation.

The bill before us is a critical public health measure worthy of bipartisan support. I urge every Member to support H.R. 2498.

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

Mr. BROWN of Ohio. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, in 1906, Upton Sinclair wrote a book called ''The Jungle,'' documenting problems in the unsafe working conditions and unsafe food production in the Chicago slaughterhouses.

In the year 1906, when Upton Sinclair's book was published, which resulted later in the creation soon after of the Food and Drug Administration, which has guaranteed food safety in this country for 9 decades, in that year in 1906, a boy born that year had a life expectancy of 46 years. A girl born in 1906 had a life expectancy of 48 years.

Nine-plus decades later, life expectancy in this country has been lengthened 30 years. Boys and girls born in this country have 30 years more life expectancy than they did just a century ago.

That is not mostly from high-tech medicine. It is mostly from public health, everything from pure food to safe drinking water, from immunizations to antibiotics, from seat belts to a knowledge that alcohol and tobacco cause health problems, to issue after issue after issue of pure food laws and environmental laws and public health laws and worker safety laws and all the things that we in this body and in State legislatures across the country and in public health agencies across the country have done to together to enhance public health.

That is why it is a pleasure, from my perspective, a pleasure to support this bill, to be a cosponsor of this bill, and support the gentleman from Florida (Mr. BILIRAKIS) in his efforts to promote public health, which does make such a difference in the lives of every American.

This legislation includes the 21st Century Research Laboratories Act, a bill that I joined the gentleman from Florida (Mr. BILIRAKIS) in sponsoring. I also want to commend Senator HARKIN for his leadership on this bill.

The U.S. invests generously in medical research through the National Institutes of Health, reflecting the public's strong interest in reducing the burden of disease here and abroad. But to secure the most benefit of that investment, it makes sense to couple dollars for research grants with funding to bolster the Nation's research infrastructure. The two go hand in hand.

Our bill would put that principle into practice by enabling NIH to devote additional resources to state-of-the-art research laboratories and instrumentations.

Like laboratory research, clinical research is invaluable. It is a bridge between the laboratory and new methods of diagnosis, treatment, and prevention. Despite the benefits of clinical research, the current level of training and support for health professionals in clinical research is too often inadequate to the task.

I am pleased to be an original cosponsor of the bill that is now incorporated into this bill from the gentleman from Pennsylvania (Mr. GREENWOOD) that supports and expands NIH involvement in clinical research and increases resources available for the clinical research community.

This package of bills also contains legislation put forward by Senators FRIST and KENNEDY and my colleagues on the Committee on Commerce and the Subcommittee on Health and Environment, the gentleman from North Carolina (Mr. BURR) and the gentleman from Michigan (Mr. STUPAK), on public health threats and emergencies.

Our Nation faces grave new threats in the 21st century that imperil the extraordinary progress we have made on public health in the 20th century.

New or resurgent infectious diseases, West Nile virus, lyme disease and others are on the upswing. Microbes that cause infectious diseases are evolving to become resistant, resisting antibiotics so that formerly treatable infections, such as TB, as I mentioned in an earlier talk tonight, may become incurable.

We are also vulnerable to terrorist attacks using biological weapons that could spread deadly diseases, such as small pox or anthrax.

This title authorizes steps that are widely agreed to be essential to prepare for emerging threats to public health.

I am particularly pleased the bill authorizes perhaps its most important feature, funding to revitalize Centers for Disease Control facilities. The gentleman from Florida (Mr. BILIRAKIS) and I saw the absolute amazingly poor conditions under which employees of the CDC, some of the greatest scientists and public health experts in the country, the conditions under which they labor in Atlanta. We can do so much better than that.

The provisions on combatting antimicrobial resistance are a good step towards addressing one of the most serious threats to public health that we face. They lay the groundwork for addressing the misuse and overuse of antibiotics, both in human medicine and in the agriculture sector.

I would add that this Congress went on record a couple of months ago in support of an amendment I had to direct the FDA's veterinary medicine office to get more serious about antibiotic resistance in farm animals. Fifty percent of the antibiotics used in this country are used for nonmedicinal purposes in farm animals, something that we probably cannot afford to do as a Nation much longer.

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I am also pleased this package includes important public health initiatives that would help the Nation combat diseases that take a tremendous toll on patients and their families, including lupus, prostate cancer, and Alzheimer's, as well as measures promoting access to defibrillators, an issue the gentleman from Wisconsin (Mr. KIND) has worked hard on, in Federal buildings and rural communities to aid victims of sudden heart attacks.

Prostate cancer is the most commonly diagnosed form of cancer, other than skin cancer, and second only to lung cancer as a cause of cancer-related death among men. This bill recognizes the immense toll that prostate cancer has taken on our country. I commend my colleague, the gentlewoman from Florida (Mrs. MEEK), for her endless dedication to raising awareness about lupus. Her tireless work has made a difference in this bill's efforts to treat lupus.

The American Heart Association estimates that more than 50,000 American deaths a year could be prevented if defibrillators were available to designated responders. Nothing can be more frightening than watching someone suffer a heart attack. With proper use of a defibrillator and proper training, communities can respond quickly and effectively to a victim and improve that victim's chances of survival immensely.

Like so many of these illnesses we have discussed today, Alzheimer's is a complicated disease afflicted by more questions than answers. Alzheimer's is characteristically more difficult for the family to bear; a person's slow deterioration in health begins with common forgetfulness and progresses slowly until the family is faced with no choice but to move their loved one to another facility. I commend my colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Massachusetts (Mr. MARKEY), for their leadership on this measure.

Overall, Mr. Speaker, I again thank the gentleman from Florida (Mr. BILIRAKIS) because this bipartisan legislation covers a lot of important ground. It bolsters public health, something this body has not done nearly enough of in the past, an infrastructure that has been neglected for too many years, the public health infrastructure; it invests in the fight against lupus, Alzheimer's and other traumatic health care conditions; it brings attention to the life-saving potential of portable defibrillators and the invaluable gift of organ donation.

This bill reflects the breadth and complexity of health and health care in the U.S., and it sets in motion practical steps to improve both. In my mind, this may be the most important health issue this Congress has passed. It does so much for so many in this country.

I wish this body would get as serious about dealing with the prescription drug issue and dealing with the Patients' Bill of Rights as it has this issue, but I particularly extend my thanks to the gentleman from Florida (Mr. BILIRAKIS), to the gentleman from Virginia (Mr. BLILEY), to the gentleman from Michigan (Mr. DINGELL), and all who have played a major role in this bill.

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

Mr. BILIRAKIS. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. STEARNS), a gentleman about

whom people many not now know this, but people in the future will be indebted to him for his persistence and his perseverance in offering and sticking with this defibrillator legislation.

Mr. STEARNS. Mr. Speaker, I thank the chairman of the Subcommittee on Health and Environment of the Committee on Commerce for yielding me this time.

I think this is a very, very rewarding evening, to have had the Senate pass the original 2498, which was the Cardiac Arrest Survival Act of 2000, which now has been amended to include different sections of what we have tonight and is now called the Public Health Improvement Act of 2000.

My portion of the bill, which is section 4, is something I am very proud of because, Mr. Speaker, between 200,000 to 300,000 Americans are lost every year to sudden cardiac arrest in the United States. Many of these victims could be simply saved if they had access to immediate medical response, including defibrillation. Just today, Mr. Speaker, the New England Journal of Medicine released the results of two recent studies in which nearly half of the victims of cardiac arrest were saved with the help of an automatic external defibrillator. That represents 10 times the usual survival rate of 5 percent for people who suffer cardiac arrest in a nonhospital setting.

For the last several years, I have been working closely with the American Heart Association, the American Red Cross, and local emergency medical systems to develop bipartisan support to encourage the widespread use of automatic external defibrillator devices to help save lives. These devices, AEDs, are small portable medical devices. They are regulated by the Food and Drug Administration and can measure a victim's heart rate, determine whether the victim is suffering from ventricular fibrillation and, if electric shock is necessary, can instruct the lay user how to use it and when to use it to shock the victim, and even tell them when to use CPR. So these devices are safe, effective and do not allow a shock to be administered until after the device has measured the victim's heart and determined whether a shock is really required.

Do my colleagues know that for every minute of delay in returning the heart to its normal pattern of beating it decreases the chance of that person's survival by 10 percent? And let me tell my colleagues tonight, because we all feel, probably, that we are in good health, that Robert Adams felt he was in good health. He was 42 years old and was an attorney working in Manhattan. On the weekends he was an NCAA referee. Obviously, he was in great condition. He had recently passed several extensive physical exams with flying colors; yet he suffered sudden cardiac arrest on July 3rd, a weekend, in Grand Central Station in New York City.

Fortunately, by the grace of God, the station had just received delivery of an AED the day before. A couple of nearby construction workers saw Mr. Adams fall to the ground. They grabbed the AED, which was still in its package. They prayed and hoped that the batteries were installed and charged. And, sure enough, they were. They shocked Mr. Adams back to life.

Now, Mr. Speaker, unfortunately, AEDs are not being widely employed because of the perception among would-be purchasers and users of these devices that if they do use them they are going to be sued. Our legislation removes this barrier to adopting AED programs with a Good Samaritan clause. If a Good Samaritan or building owner or renter acts in good faith to purchase or use an AED to help save someone's life, this bill will protect them from unfair lawsuits. We may not want to force people to provide medical care to someone having a heart attack; but if they are willing to do so, if they are volunteers, we should not put them at risk of being sued for unlimited damages if something went wrong.

So this legislation also directs the Secretary of Health and Human Services to develop guidelines for the placement of defibrillators in Federal buildings. It is a moment in our history when we have to have these accessible throughout all the Federal and State and local buildings. It is inexcusable that we do not have these life-saving devices widely available today. We need to be a role model for the private sector by demonstrating our commitment to protecting the lives of our Federal employees.

H.R. 2498 does not impose any new regulations or obligations on the private sector, and it does not preempt State law where the State has provided immunity for the person being sued. My colleagues, let us help save 250,000 American lives who are lost annually to sudden cardiac arrest. It could be any one of us on any day in the 365 days. The Senate passed this bill, as I mentioned, earlier today; and I urge my colleagues to support and pass this bill.

Lastly, Mr. Speaker, it has been a long journey for all of us to get this bill passed through Congress. I want to thank the chairman, the gentleman from Florida (Mr. BILIRAKIS), for his support and encouragement all during this process and for the work he and his staff do; and also the gentleman from Virginia (Mr. BLILEY) for his help in moving this legislation to where we are tonight.

I also want to thank those who have worked so hard on the bill, including my staff, Veronica Crowe; as well as the folks on the Committee on Commerce, Marc Wheat, Robert Gordon, and Brent Delmonte; and Pete Goodloe, who was legislative counsel; and, of course, Mr. Speaker, the American Heart Association and the American Red Cross.

This is a red letter day, and I think all Americans will benefit. I urge the passage of this valuable legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND), who has helped to lead the charge in support of the defibrillator part of this legislation.

Mr. KIND. Mr. Speaker, I thank my friend from Ohio for yielding me this time, and I too want to rise in support of H.R. 2498, and I want to commend the chairman, the gentleman from Virginia (Mr. BLILEY), the ranking member, the gentleman from Michigan (Mr. DINGELL), the chairman and ranking member on the subcommittee, and the bipartisan support that this legislation received and the work product that went into it from the Committee on Commerce.

Obviously, this was a work in progress with a lot of input from a lot of areas, and it is nice to be on the floor here tonight with a true bipartisan form of health care legislation. I think many Americans will reap dividends throughout our country in future years.

I am happy to support the bill not only because placing automatic external defibrillators, AEDs for short, in Federal buildings will help save lives for those who live in urban areas, as the gentleman from Florida (Mr. STEARNS) has just pointed out, and I also commend him for the work and the leadership he has provided in recognizing the importance to have access to AEDs for more Americans, but also because this bill includes the language of H.R. 4953, the Rural Access to Emergency Devices Act, which I along with the gentleman from Georgia (Mr. DEAL) introduced earlier this year.

In my home State of Wisconsin, nearly 200,000 people are afflicted with heart disease. It is the number one killer throughout the State, the number one killer in every county throughout the State, taking the lives of nearly 20,000 Wisconsonites every year. New technology, such as AEDs, can improve survival rates, but only if the devices are accessible and available.

Unfortunately, in rural areas, the availability of AEDs is limited. Hospitals are often located far from the scene of an emergency, and fewer than half of all ambulances in the United States actually carry AEDs. By giving grants to emergency responders and community partnerships to purchase AEDs and to train people on how to administer CPR, citizens in rural areas especially will benefit and will have a better chance of surviving cardiac arrest.

In western Wisconsin, we have seen the benefits of AED access already. Thanks to Scott Wuerch, an American Heart Association volunteer, all Eau Claire County sheriffs are now trained to use and are equipped with AEDs, and it is my hope that with passage of this bill that citizens in rural America will have a better chance of surviving cardiac arrest.

The gentleman from Florida (Mr. STEARNS) already indicated the article

that appeared in the New England Journal of Medicine, the two studies showing the benefits in the use of AEDs. Most of the major newspaper publications this week have been printing stories in regard to the effectiveness of AEDs and the need to increase access for it. In fact, this week I hope a lot of my colleagues were able to capture the article in USA Today on Wednesday titled ''The Prescription to Save Lives.'' It provides a condensed, but very good, account of the important role that AEDs are now performing throughout America and increased access to it, but also the work that needs to be done.

The gentleman from Florida already indicated that during cardiac arrest every minute of failed treatment results in a 10 percent less chance of survival. Ten minutes usually results in fatality. But what this article also pointed out was how simple the training of AEDs can be. In fact, after a few short minutes, even children can be trained to use it. Most of these devices now have computerized voices that actually walk the people through on how to effectively use AEDs. In fact, recent studies show that 50 percent of even untrained people can successfully use AEDs in emergency situations.

So I think the evidence, the studies that have come out now, also the support that we are seeing here tonight on the floor, is indication enough of just how important this legislation is and being able to provide access to automatic external defibrillators for more people in the country, but especially in rural areas, Mr. Speaker.

So again I commend the leadership on the committee. I commend the gentleman from Georgia (Mr. DEAL) for introducing the rural access bill earlier this year, and I would encourage all my colleagues to support this good bipartisan piece of health care legislation before us.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I wish to add my gratitude to the many staff members on the Committee on Commerce, particularly for their hard work on this legislation; as well as people on our personal staffs, Anne Esposito of my personal staff and others who have helped out.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 2498, the Public Health Improvement Act. This is an excellent package of public health measures, and I am pleased to see this Congress act on this legislation before it adjourns. H.R. 2498 contains several broadly supported, non-controversial provisions that amend the Public Health Service Act.

Title I, ''Emerging Threats to Public Health,'' is of particular interest to my colleague from Michigan, Mr. STUPAK. This provision strengthens America's capacity to detect and respond to serious public health threats and emergencies through several initiatives. On a local level, public health departments and agencies will be provided the resources to update their laboratory and electronic communication equipment, readying them to combat an infectious disease outbreak. They will also be able to engage in planning rapid response strategies and train personnel. On a national level, the often antiquated facilities at the Centers for Disease Control and Prevention—our nation's first line of defense against biological threats—will be revitalized to meet the demands of the 21st century. This legislation also authorizes activities to combat antimicrobial resistance and protect the nation from bioterrorist attacks, both of which are issues of long-standing interest to my colleague Mr. BROWN of Ohio. The World Health Organization, and more recently the CIA's National Intelligence Council have named resistant infections and bioterrorism as major threats to global security. This provision will put the public health infrastructure of the United States in the best defensive position, should such an outbreak occur.

Title II, ''Clinical Research Enhancement,'' directs NIH to expand the nation's clinical research capacity in response to a documented need for such activities. Clinical research translates basic science discoveries into medical interventions that can be used for patient care. This provision strengthens America's clinical research infrastructure by expanding facilities and faculty of the NIH-supported General Clinical Research Centers. It also sets forth three career investigator grant award programs, and provides a loan repayment option for young investigators wishing to dedicate their careers to clinical research. This provision endorses no specific clinical research agendas or priorities; rather, it facilitates a breadth of activities that can be carried out by a variety of scientists and health professionals, including qualified social science researchers and nurses. A separate provision in H.R. 2498 authorizes specific clinical research and training award programs in Alzheimer's disease. We are grateful to our colleague, Mr. MARKEY, for his work on this matter.

While a number of provisions in this bill respond to the research and treatment needs of our nation, advances in these areas are often hampered by the facilities in which the activities occur. Title III, known as the ''Twenty-First Century Research Laboratories Act,'' authorizes funds for construction and modernization of our nation's biomedical and behavioral research laboratories and facilities, including the purchase of new laboratory equipment.

Title IV of this bill, the ''Cardiac Arrest Survival Act'' passed the House on May 23rd. This provision directs the Secretary to develop guidelines for the placement of automated external defibrillators in Federal buildings. It also promotes public and health professional education in cardiopulmonary resuscitation and the use of defibrillators in order to save the lives. I commend my colleague from California, Ms. CAPPS, for managing this bill when the House passed it earlier this year. I also commend my colleague from Wisconsin, Mr. KIND, for shepherding through a related provision providing access to defibrillators and emergency devises to residents of rural areas.

Title V is based on the H.R. 762, the ''Lupus Research and Care Amendments,'' introduced by my colleague from Florida, Mrs. MEEK. Lupus is a debilitating and sometimes fatal autoimmune disease that disproportionately afflicts women, particularly women of color. This title addresses research on this disease and it authorizes appropriations to expand and intensify activities that focus on earlier diagnosis, better treatment, and an eventual cure. Significantly, a companion section of the provision addresses on-going primary care and treatment needs of poor and uninsured individuals with this expensive-to-treat and debilitating disease. It authorizes the Secretary to award care grants to local governments, community hospitals, health centers, and other non-profit health facilities for the provision of out-patient care and a breadth of support services to affected individuals and the family members who are involved in their care. This bill previously passed the House by a vote of 385–2.

Title VI, addresses the growing problem of prostate cancer in Americans males by revising and extending the CDC's prostrate cancer screening preventing health program, and reauthorizing the National Institutes of Health prostate cancer research programs. I am pleased to see this provision also addresses the needs of underserved and minority populations with prostate cancer.

H.R. 2498 concludes with an organ donation provision that includes asking all Americans to recognize this Thanksgiving day as ''Give Thanks, Give Life Day.'' As families sit down together this Thanksgiving day, they are encouraged to spend a moment thinking about the thousands of Americans in need of organ transplants, and discuss openly their own decisions to donate organs or tissue in a forum where relatives can be made aware of their wishes.

There are many more things I had hoped to do for the health of the American people during the 106th Congress. These include: enactment of a real Patients' Bill of Rights; restoration of federal jurisdiction to control tobacco use by America's children; access to prescription drugs for senior citizens; long-term care for the elderly; access for America's children with rare and/or serious health problems to pediatric specialists, medications and clinical trials; adequate protection for human research subjects; protection of predictive genetic information from discrimination by health insurers and employers; and enhanced protection of confidential medical records. For those of my colleagues who will be returning next year, I look forward to working with you on these issues.

Mr. MARKEY. Mr. Speaker, I rise in support of H.R. 2498, The Cardiac Arrest Survivors Act which includes language based on a bill I introduced in March together with my colleague from New Jersey and Co-Chairman of the Bipartisan Task Force on Alzheimer's Disease, CHRIS SMITH. Our bill, ''The Alzheimer's Clinical Research and Training Awards Act of 2000'' creates a new clinical research program at NIH to improve the diagnosis and treatment of Alzheimer's Disease.

Mr. Speaker, I want to say a special word of thanks to Commerce Committee Chairman TOM BLILEY for accepting the Alzheimer's provision as part of this legislation. This important public health bill is a feather in his health care cap as he prepares to retire from this body, and I thank him. I would also like to thank the Ranking Member of the Commerce Committee JOHN DINGELL, and Senators KENNEDY and FRIST in the other body, for constructing a strong bipartisan public health bill.

Alzheimer's Disease is on track to become the epidemic of the 21st Century. Today 4 million Americans are afflicted and by 2050 it is estimated that this number will increase to 14 million.

That's right Mr. Speaker, 14 million Americans will face the devastation of losing their independence, their personality, and their memory—the very threads of life that gives one his or her identity.

Funding for basic research to find a cure for Alzheimer's Disease is important and I'm pleased that this year's funding levels will increase to over $550 million. But there's no way to know when a cure will present itself—it could be in two years or ten years or twenty years. In the meantime people are suffering.

A recent study conducted at the Oregon Health Sciences University indicated that 65% of patients with probable dementia are going undiagnosed. This study highlights the crucial need to improve recognition and assessment of dementia patients.

The language included in H.R. 2498 addresses this need. The Alzhiemer's Clinical Research and Training Awards program is designed to compliment the 30 Alzheimer's Research Centers across our nation which currently focus on basic research and are administered through the National Institutes on Aging at NIH. During my own personal experience with my mother's Alzheimer's disease, top Alzheimer's researchers and clinicians underscored the crucial need for providing a bridge between Alzheimer's laboratory research and new methods of diagnosis, treatment and prevention. This program provides awards to junior and mid-level physicians to focus their careers on Alzheimer's and to train as physician scientist specialists to improve and apply cutting edge research to Alzheimer's patients.

Researching a cure for tomorrow is critical, but we also need to do better in treating those suffering with Alzheimer's Disease today.

The Alzheimer's Clinical Research and Training Awards program takes a first step in doing the very best we can in providing cutting edge diagnosis, treatment and prevention for those who are and will be effected by the epidemic of the 21st century.

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Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THUNE). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2498.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BROWN of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENSE OF HOUSE WITH RESPECT TO RELEASE OF FINDINGS AND RECOMMENDATIONS BY FEDERAL ENERGY REGULATORY COMMISSION REGARDING ELECTRICITY CRISIS IN CALIFORNIA

Mr. COX. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 650) expressing the sense of the House with respect to the release of findings and recommendations by the Federal Energy Regulatory Commission regarding the electricity crisis in California.

The Clerk read as follows:

H. RES. 650

Whereas the Federal Energy Regulatory Commission has completed its investigation of the California energy crisis: Now, therefore, be it

Resolved, That it is the sense of the United States House of Representatives that, before November 1, 2000, the Federal Energy Regulatory Commission should make public its findings and recommendations regarding the electricity crisis in California.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COX) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. COX).

GENERAL LEAVE

Mr. COX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.Res. 650.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of House Resolution 650, introduced by my colleague, the gentleman from San Diego (Mr. BILBRAY).

The resolution expresses that it is the sense of the Congress that the Federal Energy Regulatory Commission should release its findings and recommendations regarding the electricity situation in California as soon as possible.

San Diego Gas and Electric is the first utility in California to pay off its stranded costs. Customers served by San Diego Gas and Electric were the first in the Nation to experience the effects of unregulated electricity pricing without unregulated competition for new supplies of electricity.

So while there is no new generating capacity in California and no free-wheeling competition in the wholesale market for electricity, consumers are facing unlimited prices.

As a result, beginning this summer, customers of San Diego Gas and Electric in San Diego and Orange Counties will have seen their electricity bills double and triple. And that has continued over the last several months. The small businesses have closed, and consumers are suffering.

On July 26, the Federal Energy Regulatory Commission opened an inquiry into this situation. They have written their findings and their recommendations, and yet they have not been released to the Congress or to the public. Considering the seriousness of the situation in California, there should be no further delay in releasing this report.

This resolution, introduced by my colleague, the gentleman from California (Mr. BILBRAY), will help assure that his constituents in San Diego and all other San Diego Gas and Electric customers and Orange County and all other California electricity consumers in the near future do not have to continue to wait even longer before finally getting answers they need simply because the Federal bureaucracy is dragging its feet.

The Committee on Commerce has spent nearly 6 years holding hearings on the best way to modernize our laws governing the electric utilities so that electricity will be more affordable and reliable. In that process, we have talked to consumers, regulators, and power generators. We have learned from our California situation that interstate electricity markets pose complicated issues of Federal and State jurisdiction.

The Federal Energy Regulatory Commission's report, if we can see it, will speak to the important question of interstate transmission of electricity. The situation in California highlights the importance of getting it right for consumers.

In conclusion, I commend the gentleman from California (Mr. BILBRAY), my colleague, on his resolution; and I urge my colleagues to support it.

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

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the electricity price spikes in California have gained national attention and have moved to the center of the debate on the question of electricity industry restructuring.

Consumers in some California communities have faced unprecedented electricity prices and are rightly asking what the Federal Government might do to help bring down the price of this vital commodity.

This evening we consider a resolution which expresses the sense of the House that the Federal Energy Regulatory Commission should make public its findings and recommendations regarding California's electricity price problems by November 1, 2000. It is, to say the least, a modest measure.

I will take the occasion of these comments, Mr. Speaker, to note for a moment the very fine work which has been done during the course of the last 2 years by the chairman of the Subcommittee on Energy and Power, the gentleman from Texas (Mr. Barton).

Under his able guidance, the Subcommittee on Energy and Power reported a number of measures which, taken together, would have achieved

substantial progress toward the creation of a national energy policy.

Unfortunately, on the most significant of these topics, nuclear waste disposal and electricity industry restructuring, the legislative process stalled following the reporting of the legislation from the subcommittee of the gentleman from Texas (Mr. BARTON). And that happened despite the sound efforts of the gentleman to move the process forward.

As a result of this legislative inaction, we find ourselves no closer to having a national energy policy today than we were finding ourselves when this Congress convened approximately 2 years ago. And I think that is sad. And so, today we find ourselves debating relatively modest policy initiatives, such as the measure that is now before us, which is a nonbinding resolution that merely expresses an opinion.

While the measure might have some marginally beneficial effects, I would suggest that it is no substitute for leadership on energy policy.

MR. COX. Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 10 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I thank the gentleman from California (Mr. COX) for bringing this resolution to us tonight. I thank his colleague and my friend, the gentleman from San Diego, California (Mr. BILBRAY). Our hearts and prayers are with him, as he has suffered a terrible loss in his family and cannot be here tonight.

I thank my colleagues for bringing this to us. Because San Diego is the poster child for the future of California what is going on in San Diego, what happened after the deregulation to a monopoly market, will happen to the rest of California in another year or so and perhaps the rest of the Nation if we do not take heed of San Diego's crisis.

The measure before us tonight is not the proper response to the crisis that we have in San Diego. It is a very weak response. If the gentleman from California (Mr. BILBRAY) was not my friend, I would say it was a meaningless response to the level of crisis that we face.

The gentleman from California (Mr. BILBRAY) introduced this resolution yesterday. Magically, it comes to the floor today. The Republican leadership, the gentleman from California (Mr. COX), and the gentleman from California (Mr. BILBRAY) could have brought meaningful legislation to this floor tonight to really help us in San Diego.

I introduced, for example, H.R. 5131 on September 7. I will explain that bill in a minute. But it can solve the crisis we have in San Diego. I asked the Speaker of the House to schedule this before we recessed.

San Diego is panicking. San Diego faces enormous debts. We have had no response from the leadership of this House to really deal with the crisis that we face in San Diego.

The gentleman from California (Mr. COX) gave a good summary of the situation, the doubling and tripling of prices in San Diego over a 3-month period. The average small business in my district, my colleagues, in our districts in San Diego went from let us say $800 a month in May and June to $1,500 a month and then to $2,500 a month. No business can survive with these kinds of increases.

A person on a fixed income had his bill or her bill go from $35 a month to $70 a month to $120 a month. No person who is on a fixed income can survive this. And literally life-and-death decisions had to be made given that situation.

This was not an issue, Mr. Speaker, of supply and demand in California. We do not have enough supply for the future developments. But this crisis was brought about by manipulation of the market by wholesalers and marketers of electricity. They caused a crisis which did not have to exist.

When the FERC report that is referred to in this resolution is made public on November 1, it will show that there was incredibly close to criminal manipulation of the market, withholding of capacity by the major generators, laundering electricity through Northwestern States to get a higher price in California, artificially creating a sense of dearth of supply through manipulation of the transmission capacities and on and on. And the FERC report will outline that.

This was a criminal gaming of the rules that were set up in California. This was not an issue of supply and demand. And as my colleague, the gentleman from California (Mr. BILBRAY), knows within those 3 or 4 months of this crisis, after deregulation occurred in San Diego and Orange counties advertise, close to $600 billion was sucked out of our economy by these marketers and generators, $6 billion. I hope I said that with a ''B.'' Over $600 million from the consumers of San Diego alone.

Now, the State legislature acted on this to the limit of their ability to act. They froze retail prices. As the gentleman from California (Mr. COX) knows, they froze retail prices at 6½ cents a kilowatt hour. And that took the gun away from the head of San Diego consumers because their prices and my bill that I got was frozen at this figure.

But, Mr. Speaker, that debt is mounting up for the consumers of California and San Diego. That retail price freeze was merely a deferral of the cost. The debt that individual businesses and consumers have is adding up in the so-called balancing account. Our Northern utilities in San Diego, not only San Diego Gas and Electric, which now has a mounting debt, but PG&E and Edison have debts mounting up again to almost $6 billion between them.

This is an economic crisis, an economic recession hanging in the balance if we do not act here in this body and at the national level.

A crisis was created by deregulation to a monopoly situation, $6 billion being sucked from our economy. And how do we respond? How does this body respond? The Republican majority gives what kind of resolution? That we will get a report 5 days earlier than FERC said it was going to come out.

They issued a finding in the last couple of days. That said they will issue the report November 1. I would like to see that earlier. I would like to see it today. I will vote for the resolution, but that does nothing for San Diego consumers. That does nothing for the California economy.

What we need and what H.R. 5131 does is a roll-back of wholesale prices to their prederegulation levels in the Western market and refunds to the consumers in California. That I will tell my colleague, the gentleman from California (Mr. BILBRAY), is the only solution to San Diego and California's problem.

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We must go after the folks who took our money away, and that is the wholesale generators and marketers. They, illegally in my opinion, in the opinion of the gentleman from California (Mr. HUNTER) raised their prices to an unjust level, five, six, seven times what was the previous price. They charged what the market could bear. And now their earnings report have just come out, Mr. Speaker, the earnings report of the major generators in this country who provide the western market, and they have reported 200, 300 percent or more profit increase over the year before. That is unconscionable. They have taken away our businesses, they have taken away our future, they threaten our whole economy. And yet the majority motion on the floor is give us a report a few days earlier.

What this Congress should do, I say to the gentleman from California (Mr. BILBRAY), is to put H.R. 5131 on the floor tomorrow. You have the power to do it. You showed you can take a resolution and put it on the floor within a day. Let us go after those who have caused this enormous panic and frightening situation in San Diego. Let us instruct FERC to roll back the wholesale prices in the western market and refund that overcharge to consumers.

That is what this House ought to do. That is what our Federal regulatory commission ought to do. San Diegans and Californians are holding our breath to see what the Federal Government will do. We have another day, 2 days, 3 days, we do not know yet, in this session of Congress. I ask the majority, I ask the gentleman from California (Mr. BILBRAY), I ask the gentleman from California (Mr. COX) to bring us a real motion, a real resolution to solve this problem. Let us really help San Diego and not embark on this weak and meaningless response.

I thank my colleagues. I really do thank the gentleman from California (Mr. COX) for spotlighting San Diego's situation. If the rest of California and the rest of the country deregulates through this monopoly situation under the rules that we had, the rest of the country is going to face the same panic and economic crisis that is brewing in California.

The majority party can help San Diego now. Let us do it tomorrow.

Mr. COX. Mr. Speaker, I yield myself 3 minutes.

I want to thank the previous speakers for their bipartisan cooperation in the passage of this resolution; and I would add that there is a big difference between this resolution which, as has been pointed out, is a sense of the Congress resolution urging simply that the Federal Energy Regulatory Commission release a report that has been shelf-ready since October 19, bearing directly on the kinds of legislation that are under discussion here, and substantive legislation to remake the electric utility industry in the largest State of the union or in the rest of the country.

My colleague referenced H.R. 5131, his legislation, and he was good to point out that he has introduced this legislation for the first time just last month in the closing days of the second session of the 106th Congress. Even though this legislation, which is sweeping in its effects, was introduced by such a distinguished Member as the gentleman from San Diego, I think he recognizes it would not be regular order for it to be simply whisked into law in a matter of weeks without even being able to know the results of the significant study that has been underway since July at the Federal Energy Regulatory Commission.

And so I would return to the point and the purpose of this resolution, which is to put before the Congress and to put before the general public for the requisite 3-week period of comment the already completed study and recommendations of the Federal Energy Regulatory Commission bearing on what we have all agreed is an extraordinarily difficult and complicated problem with very, very egregious consequences for consumers in Southern California.

Mr. FILNER. Mr. Speaker, will the gentleman yield?

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

Mr. FILNER. I thank the gentleman for yielding.

As the gentleman from California (Mr. COX) said, this is simply a resolution, a sense of the Congress. It does absolutely nothing for the citizens of San Diego.

Mr. COX. Reclaiming my time on that point. This resolution does nothing more, nothing less than it purports to do, which is to put before the Congress a report which we ought by rights to have seen on October 19, and I think that on that we should all agree.

Mr. FILNER. As the gentleman pointed out, I introduced H.R. 5131 a month and a half ago. That was plenty of time, given the crisis that San Diego has, for this Congress to go through hearings, to go through anything they want.

We have had bills put on this floor in the last couple of days that nobody has ever seen before, incredibly complicated tax business and appropriations bills that nobody had ever seen. The resolution of the gentleman from California (Mr. BILBRAY) did not have the light of day until yesterday and here it is on the floor today. So you can act when you want to. We have had a month and a half to act.

I will tell the gentleman that the crisis in San Diego mounts every day. People are going out of business as they face the mounting debt.

The SPEAKER pro tempore (Mr. THUNE). The time of the gentleman from California (Mr. FILNER) has expired.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, as the gentleman knows, the major utilities in our State which are major economic forces have appealed to the Public Utilities Commission of California, have appealed to the Federal Energy Regulatory Commission to give them some relief because their debts are mounting and their bond ratings have gone down. If any one of those utilities goes under, the gentleman knows the domino effect on California.

I cannot overstate the crisis for my city, my State or my Nation. Yet we are not doing anything in the waning days of this session. We should have the hearings. The gentleman from Texas (Mr. BARTON) and his Subcommittee on Energy and Power of the Committee on Commerce did come to San Diego, and we are very grateful for that. They had findings at that hearing. They heard San Diegans testify all day. They heard the Federal Energy Regulatory Commission. They had enough to go on to have hearings on my bill or any other bill that anybody thought would solve the problem.

By the way, I am joined in my bill by the gentleman from California (Mr. HUNTER) and the gentleman from California (Mr. BILBRAY). Also the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. PACKARD) have expressed support. We do have time to act when you want to. The majority should put our bills on the floor now.

Mr. COX. Mr. Speaker, I yield myself 1 minute and simply agree with the essential points that have been made on both sides here this evening. That is, first, that the crisis for consumers and small businesses alike in Southern California, in particular in San Diego and Orange Counties is very real.

Second, that we should take swift action and prudent action to address it both in the State legislature in Sacramento and here in Washington, D.C. And, third, that to inform those decisions, we are entitled to see the report and the study and the recommendations of the Federal Energy Regulatory Commission on this very topic.

I would finally observe that as my colleague from San Diego points out, the legislation to which he refers, H.R. 5131, not the only bill on this topic but an important one, is sponsored jointly by Democrats and Republicans, highly respected Members of this body, and it is therefore in the interest of both Republicans and Democrats that we move rapidly on such legislation.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me just say to my colleague on the other side from California, there is really no purpose to this resolution whatsoever. I think he has been trying to justify it, and I know he is trying by suggesting that somehow this puts the report or the recommendation into the RECORD, but the resolution does not even accomplish that. There is a FERC order from October 26 that says that the commission will place in the public record the report. So not only is this just a sense of Congress which accomplishes nothing, but the report would be put in the RECORD, anyway, it would be made a public record that anybody would have access to. There is nothing here.

Mr. Speaker, I would urge opposition to this resolution. It is bad policy, it is bad process. I want to back up what the gentleman from California (Mr. FILNER) said. The bill was introduced last night, it has not seen the light of day let alone any proper committee process. Essentially the bill does nothing. It is purely political. The FERC is expected to come out with its findings and recommendations regarding California's energy price spikes on November 1. This bill just asks the FERC to release its findings 1 day sooner. It is already a matter of public record once it comes out. And California already has legislation in place to freeze energy rates.

Now, I say this is an exercise in futility not only because it is, and I want to bare the reality of it here tonight and support what the gentleman from California (Mr. FILNER) said but also to stress that in the meantime, the House Republican leadership is not bringing other measures to the floor that would truly address California and the Nation's rising energy costs.

In fact, the tax package that we debated today eliminates important energy conservation and alternative energy measures that would save energy and money for our businesses and consumers and would protect our environment. For example, the tax package does not include $400 million for electricity produced from renewable sources. The package also does not include tax credits for alternative fuel or hybrid vehicles.

We all know that oil and gas prices have been higher than in previous years. If the average fuel economy of the 131 million cars driven in 1998 were to have been increased by just one mile per gallon, we would have conserved 3.2 billion gallons of gasoline that year. Furthermore, if we now were to increase the fuel efficiency of vehicles by just three miles per gallon, we would save one million barrels of oil per day. I say this because I would like to preclude the need for even suggesting the drilling in ANWR, the Arctic National Wildlife Refuge which Governor Bush and the Republican leadership in Congress also are advocating. Unfortunately, we do not see any measures being brought to the floor by the Republican leadership that would encourage greater fuel efficiency in vehicles.

The point is this bill is futile. It is bad policy. It accomplishes nothing. We should be doing a lot more important things.

Mr. COX. Mr. Speaker, I yield myself 1½ minutes.

I would simply correct for the record one statement that my distinguished colleague has just made, and, that is, that the purpose of this resolution is to advance by 1 day the release of the Federal Energy Regulatory Commission report. It is, to the contrary, to release the report immediately, whereas it has been completed since October 19. Let me read from the concurring opinion of one of the FERC commissioners on October 19 when that report was released:

''Rather than wait for November to release the findings of our staff's investigation, I urge the chairman to release the completed report now. Our open government requires it. Fairness does as well. The people of California should have as much time as possible to digest our staff's findings and consider the options presented.''

The commissioner continues:

''Justice Brandeis often remarked, 'Sunlight is the best disinfectant.' Let the sun shine on our staff's report. It could only help heal the raw emotions rampant in the State of California. I hope that the commission will proceed in the right path from now on.''

The bureaucracy here, to put it relatively impolitely in this case, is dragging its feet. This is a report on a very significant topic, the result of a significant and long study. It should not be gathering dust on the shelf. There is a 3-week comment period once it is released that will have to expire before the recommendations can be made final. The California legislature is going into session at the beginning of December.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I just want to point out one more factor in all this before I conclude and, that is, the Federal Energy Regulatory Commission has claimed both in public and in private conversations they do not have the authority to roll back wholesale prices retroactively.

My legislation, cosponsored by the gentleman from California (Mr. BILBRAY) and the gentleman from California (Mr. HUNTER), gives them that authority to roll back prices retroactively. That is the only thing that can save San Diego and the rest of California from its mounting debt which has now reached $6 billion as I pointed out. We must go after those who have gouged us with these prices.

In conclusion, Mr. Speaker, I just want to say that although the gentleman from California (Mr. COX) and the gentleman from California (Mr. BILBRAY) are saying that the bureaucracy is dragging its feet, actually FERC has acted with incredible speed in this investigation. It is the Congress that is dragging its feet. What San Diego wants to see from this Congress before it adjourns is some meaningful action to stop the mounting debt that threatens big and small business alike and threatens the very income of all of our residents.

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San Diego is watching this Congress. What San Diego sees, because the majority party will not schedule any meaningful legislation to be voted on, is Congress dragging its feet. That is the issue, Mr. Speaker, that we must address. California is waiting. San Diego is waiting. This Congress should act before we adjourn.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an important resolution, because it will lay before the Congress, lay before the public, lay before legislators in California, vitally important information, the results of a study by the Federal Energy Regulatory Commission on the energy crisis in Southern California caused by the deregulation legislation enacted in the legislature in Sacramento.

Without question, this is a situation that we must not allow to continue; but without question, we also must know where we are headed with reform in Sacramento.

When the Democratic legislature adopted the deregulation that has led to this crisis, they did so with the best of intentions, and they did so with bipartisan cooperation.

It has not turned out as people would have wished. The best of intentions or acting in haste, therefore, as we have seen from experience is not what is required; what is required is immediate remedial action based upon the facts; and right now, the best facts lie with the FERC.

We ought to in this Congress, while we are still in session, have that information. This resolution, which I expect will be unanimously adopted by Republicans and Democrats, is, in fact, what the FERC needs to hear, because it is true, as Justice Brandeis has said, that sunshine is the best disinfectant. Let us get that information out. Let us get that report released.

Let us enact this Bilbray resolution so that we may then swiftly move to the more fundamental legislation that has occupied so much of our debate here this evening.

Mr. Speaker, I submit the following for the RECORD:

STATEMENT OF CONGRESSMAN BRIAN BILBRAY FOR H. RES. 650

I would like to take this opportunity to thank Chairman Bliley and leadership for working with me to bring this resolution to the floor. H. Res. 650 is a simple, straightforward resolution that expresses the sense of Congress that the Federal Energy Regulatory Commission release it's completed report on the California electricity crisis before November 1, 2000.

FERC has been investigating the electricity market place in California as a result of unexpected rate of volatility this summer, San Diego and Orange Counties were the first in the nation to experience the effects of an unregulated electricity markets.

After speaking with the Commission and writing a letter, a copy of which is included for the record, requesting that the completed report be released as soon as possible, I introduced H. Res. 650 to ensure that the report be made public sooner rather than later, so that all interested parties can examine, analyze and make response to the report as quickly as possible. The initial report is complete. Why not let the public have access to it now?

The consumers in southern California have had a difficult time this summer, and the crisis is not over. The entire state of California will be facing these hardships unless consumers, industry, utilities, generators, legislators, the Governor, and regulators—both FERC and the California Public Utility Commission,—come together to fix the flaws in the California electricity market. Until the FERC report is released, all of these interested parties are in limbo.

Help San Diego. Help California. Vote for H. Res. 650.

Thank you.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2000.

Chairman JAMES J. HOECKER,
Federal Energy Regulatory Commission, Washington, DC.

DEAR CHAIRMAN HOECKER: I am writing regarding the ''Order Announcing Expedited Procedures for Addressing California Market Issues'' issued October 19, 2000—the result of the staff fact-finding investigation you commissioned on July 26, 2000, of the conditions of the electric bulk power markets in various regions of the country, particularly California.

I commend you for initiating this process, the results of which will surely be critical in developing a strategy for moving beyond the crisis we are now enduring in California. It is my understanding, that the results of this investigation are complete; however, they are not currently scheduled for public release until November 9, 2000.

Given the time-sensitive nature of the electricity crisis in California, with small businesses closing and consumers suffering, I would strongly urge you to make the results of your investigation public immediately, so that this information can be put to use as soon as possible in developing sound remedies for the adverse situation to which California electricity consumers have been subjected. Additionally, with the State legislature set to reconvene in December, it would seem to make sense to provide California's legislators with this information as soon as

possible, in order to enable them to ''hit the ground running'' on this critical matter once they gather again in Sacramento in December. It is my intention to do everything within my power to make this information available to the decisionmakers who will need it to help bring some relief to the long-suffering electricity consumers in San Diego and elsewhere throughout California.

I greatly appreciate and thank you in advance for your attention to this request, and your anticipated affirmative response. Please don't hesitate to contact me directly with any questions or to further discuss this important matter.

Sincerely,

BRIAN BILBRAY,
Member of Congress.

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Sincerely,

BRIAN BILBRAY,
Member of Congress.

Ms. ESHOO. Mr. Speaker, I rise in support of H. Res. 650, which encourages the Federal Energy Regulatory Commission to make public its findings and recommendations regarding the electricity crisis in California.

While I have no substantive objection to H. Res. 650, I'm disappointed that the Majority party failed to bring forward comprehensive electricity legislation this Congress which would help prevent another crisis next year.

According to industry figures, power transactions across the national grid have jumped from 200,000 transactions in 1997 to over 1.5 million projected for this year. Reliability of energy, therefore, is likely to get worse without comprehensive action.

We must have open and non-discriminatory access to transmission lines. We must ensure the reliability of the electricity market. And we must take action to stem the threat to stable prices caused by market manipulation

If the leadership of this Congress had been willing to take a first step, we could have considered H.R. 4941, the National Electric Reliability Act, which I'm proud to cosponsor. The bill would create an independent organization to ensure the reliability of the interstate transmission grids. This legislation has already passed the Senate with overwhelming bipartisan support.

Yet this House failed to consider any of these measures. Now it's likely that price spikes, power market abuses, and reliability problems will continue, especially in my state and in places like San Diego where there have been such problems. What a dismal outcome.

Mr. Speaker, I support this resolution. For those who come from states who haven't yet felt the impact of higher energy prices, the failure of this House to take meaningful steps to ensure reliable electricity, prevent price spikes, and protect against market power abuses in the electricity market will come home to your state and your constituents as well.

Mark my words. We'll be back here next Congress in a crisis mode because of the House leadership's failure to take on the hard challenges this issue confronts us with.

Mr. BOUCHER. Mr. Speaker, I yield back the balance of my time.

Mr. COX. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THUNE). The question is on the motion offered by the gentleman from California (Mr. COX) that the House suspend the rules and agree to the resolution, H. Res. 650.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BOUCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MAKING IN ORDER ON FRIDAY, OCTOBER 27, 2000, CALL OF PRIVATE CALENDAR

Mr. SENSENBRENNER. I ask unanimous consent that on Friday, October 27, 2000, it be in order to consider the call of the Private Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 655) providing for the consideration of the bill H.R. 1550 and the Senate amendment thereto.

The Clerk read as follows:

H. RES. 655

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1550 together with the Senate amendment thereto, and to have concurred in the Senate amendment with amendments as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

TITLE I—UNITED STATES FIRE ADMINISTRATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Fire Administration Authorization Act of 2000''.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following:

''(I) $44,753,000 for fiscal year 2001, of which $3,000,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $6,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel;

''(J) $47,800,000 for fiscal year 2002, of which $3,250,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $7,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel; and

''(K) $50,000,000 for fiscal year 2003, of which $3,500,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $8,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel.''.

None of the funds authorized for the United States Fire Administration for fiscal year 2002 may be obligated unless the Administrator has verified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 103 of this Act.

SEC. 103. STRATEGIC PLAN.

(a) REQUIREMENT.—Not later than April 30, 2001, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training; research, development, test and evaluation; new technology and non-developmental item implementation; safety; counterterrorism; data collection and analysis; and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an analysis of the strengths and weaknesses of, opportunities for, and threats to the United States Fire Administration;

(5) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(6) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(7) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(8) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(9) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(10) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and the performance plans and reports of the Federal Emergency Management Agency;

(11)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and a description of each course's provisions for real time interaction between instructor and students, the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance;

(12) timeline for implementing the plan; and

(13) the expected costs for implementing the plan.

SEC. 104. RESEARCH AGENDA.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade, professional, and nonprofit associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic, trade, professional, and non-profit associations, and other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.

(c) USE IN PREPARING STRATEGIC PLAN.—The research agenda prepared under this section shall be used in the preparation of the strategic plan required by section 103.

SEC. 105. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

''SEC. 33. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

''The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers.''.

SEC. 106. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

The Federal Fire Prevention and Control Act of 1974, as amended by section 105, is amended by adding at the end the following new section:

''SEC. 34. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

''The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.''.

SEC. 107. NEED FOR ADDITIONAL TRAINING IN COUNTERTERRORISM.

(a) IN GENERAL.—The Administrator of the United States Fire Administration shall conduct an assessment of the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

(b) CONTENTS OF ASSESSMENT.—The assessment conducted under this section shall include—

(1) a review of the counterterrorism training programs offered by the United States Fire Administration and other Federal agencies;

(2) an estimate of the number and types of emergency response personnel that have, during the period between January 1, 1994, and October 1, 1999, sought training described in paragraph (1), but have been unable to receive that training as a result of the oversubscription of the training capabilities; and

(3) a recommendation on the need to provide additional Federal counterterrorism training centers, including—

(A) an analysis of existing Federal facilities that could be used as counterterrorism training facilities; and

(B) a cost-benefit analysis of the establishment of such counterterrorism training facilities.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prepare and submit to the Congress a report on the results of the assessment conducted under this section.

SEC. 108. WORCESTER POLYTECHNIC INSTITUTE FIRE SAFETY RESEARCH PROGRAM.

From the funds authorized to be appropriated by the amendments made by section 102, $1,000,000 may be expended for the Worcester Polytechnic Institute fire safety research program.

SEC. 109. INTERNET AVAILABILITY OF INFORMATION.

Upon the conclusion of the research under a research grant or award of $50,000 made with funds authorized by this title (or any amendments made by this title), the Administrator of the United States Fire Administration shall make available through the Internet home page of the Administration a brief summary of the results and importance of such research grant or award. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 110. CONFORMING AMENDMENTS AND REPEALS.

(a) 1974 ACT.—

(1) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) by striking subsection (b) of section 10 (15 U.S.C. 2209) and redesignating subsection (c) of that section as subsection (b);

(B) by striking sections 26 and 27 (15 U.S.C. 2222; 2223);

(C) by striking ''(a) The'' in section 24 (15 U.S.C. 2220) and inserting ''The''; and

(D) by striking subsection (b) of section 24.

(2) REFERENCES TO SECRETARY.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) in section 4 (15 U.S.C. 2203)—

(i) by inserting ''and'' after the semicolon in paragraph (7);

(ii) by striking paragraph (8); and

(iii) by redesignating paragraph (9) as paragraph (8);

(B) by striking ''Secretary'' and inserting ''Director''—

(i) in section 5(b) (15 U.S.C. 2204(b));

(ii) each place it appears in section 7 (15 U.S.C. 2206);

(iii) the first place it appears in section 11(c) (15 U.S.C. 2210(c));

(iv) in section 15(b)(2), (c), and (f) (15 U.S.C. 2214(b)(2), (c), and (f));

(v) the second place it appears in section 15(e)(1)(A) (15 U.S.C. 2214(e)(1)(A));

(vi) in section 16 (15 U.S.C. 2215);

(vii) the second place it appears in section 19(a) (42 U.S.C. 290a(a));

(viii) both places it appears in section 20 (15 U.S.C. 2217); and

(ix) in section 21(c) (15 U.S.C. 2218(c)); and

(C) in section 15, by striking ''Secretary's'' each place it appears and inserting ''Director's''.

(b) DEPARTMENT OF COMMERCE.—Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended—

(1) by inserting ''and'' after ''Census;'' in paragraph (5);

(2) by striking paragraph (6); and

(3) by redesignating paragraph (7) as paragraph (6).

SEC. 111. NATIONAL FIRE ACADEMY CURRICULUM REVIEW.

(a) IN GENERAL.—The Administrator of the United States Fire Administration, in consultation with the Board of Visitors and representatives of trade and professional associations, State and local firefighting services, and other appropriate entities, shall conduct a review of the courses of instruction available at the National Fire Academy to ensure that they are up-to-date and complement, not duplicate, courses of instruction offered elsewhere. Not later than 180 days after the date of enactment of this Act, the Administrator shall prepare and submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) examine and assess the courses of instruction offered by the National Fire Academy;

(2) identify redundant and out-of-date courses of instruction;

(3) examine the current and future impact of information technology on National Fire Academy curricula, methods of instruction, and delivery of services; and

(4) make recommendations for updating the curriculum, methods of instruction, and delivery of services by the National Fire Academy considering current and future needs, State-based curricula, advances in information technologies, and other relevant factors.

SEC. 112. REPEAL OF EXCEPTION TO FIRE SAFETY REQUIREMENT.

(a) REPEAL.—Section 4 of Public Law 103–195 (107 Stat. 2298) is hereby repealed.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 1 year after the date of the enactment of this Act.

SEC. 113. NATIONAL FALLEN FIREFIGHTERS FOUNDATION TECHNICAL CORRECTIONS.

(a) PURPOSES.—Section 151302 of title 36, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) primarily—

''(A) to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with the memorial; and

''(B) to, in coordination with the Federal Government and fire services (as that term is defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203)), plan, direct, and manage the memorial service referred to in subparagraph (A);'';

(2) by inserting ''and Federal'' in paragraph (2) after ''non-Federal'';

(3) in paragraph (3)—

(A) by striking ''State and local'' and inserting ''Federal, State, and local''; and

(B) by striking ''and'' after the semicolon;

(4) by striking ''firefighters.'' in paragraph (4) and inserting ''firefighters;''; and

(5) by adding at the end the following:

''(5) to provide for a national program to assist families of fallen firefighters and fire departments in dealing with line-of-duty deaths of those firefighters; and

''(6) to promote national, State, and local initiatives to increase public awareness of fire and life safety.''.

(b) BOARD OF DIRECTORS.—Section 151303 of title 36, United States Code, is amended—

(1) by striking subsections (f) and (g) and inserting the following:

''(f) STATUS AND COMPENSATION.—

''(1) Appointment to the board shall not constitute employment by or the holding of an office of the United States.

''(2) Members of the board shall serve without compensation.''; and

(2) by redesignating subsection (h) as subsection (g).

(c) OFFICERS AND EMPLOYEES.—Section 151304 of title 36, United States Code, is amended—

(1) by striking ''not more than 2'' in subsection (a); and

(2) by striking ''are not'' in subsection (b)(1) and inserting ''shall not be considered''.

(d) SUPPORT BY THE ADMINISTRATOR.—Section 151307(a)(1) of title 36, United States Code, is amended—

(1) by striking ''The Administrator'' and inserting ''During the 10-year period beginning on the date of enactment of the Fire Administration Authorization Act of 2000, the Administrator''; and

(2) by striking ''shall'' in subparagraph (B) and inserting ''may''.

TITLE II—EARTHQUAKE HAZARDS REDUCTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Earthquake Hazards Reduction Authorization Act of 2000''.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Section 12(a)(7) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)(7)) is amended—

(1) by striking ''and'' after ''1998,''; and

(2) by striking ''1999.'' and inserting ''1999; $19,861,000 for the fiscal year ending September 30, 2001, of which $450,000 is for National Earthquake Hazard Reduction Program-eligible efforts of an established multistate consortium to reduce the unacceptable threat of earthquake damages in the New Madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; $20,705,000 for the fiscal year ending September 30, 2002; and $21,585,000 for the fiscal year ending September 30, 2003.''.

(b) UNITED STATES GEOLOGICAL SURVEY.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by inserting after ''operated by the Agency.'' the following: ''There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act $48,360,000 for fiscal year 2001, of which $3,500,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee established under section 210 of the Earthquake Hazards Reduction Authorization Act of 2000; $50,415,000 for fiscal year 2002, of which $3,600,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee; and $52,558,000 for fiscal year 2003, of which $3,700,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee.'';

(2) by striking ''and'' at the end of paragraph (1);

(3) by striking ''1999,'' at the end of paragraph (2) and inserting ''1999;''; and

(4) by inserting after paragraph (2) the following:

''(3) $9,000,000 of the amount authorized to be appropriated for fiscal year 2001;

''(4) $9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and

''(5) $9,500,000 of the amount authorized to be appropriated for fiscal year 2003,''.

(c) REAL-TIME SEISMIC HAZARD WARNING SYSTEM.—Section 2(a)(7) of the Act entitled ''An Act To authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes'' (111 Stat. 1159; 42 U.S.C. 7704 nt) is amended by striking ''1999.'' and inserting ''1999; $2,600,000 for fiscal year 2001; $2,710,000 for fiscal year 2002; and $2,825,000 for fiscal year 2003.''.

(d) NATIONAL SCIENCE FOUNDATION.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking ''1998, and'' and inserting ''1998,''; and

(2) by inserting after ''1999.'' the following: ''There are authorized to be appropriated to the National Science Foundation $19,000,000 for engineering research and $11,900,000 for geosciences research for fiscal year 2001; $19,808,000 for engineering research and $12,406,000 for geosciences research for fiscal year 2002; and $20,650,000 for engineering research and $12,933,000 for geosciences research for fiscal year 2003.''.

(e) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking ''1998, and''; and inserting ''1998,''; and

(2) by striking ''1999.'' and inserting ''1999, $2,332,000 for fiscal year 2001, $2,431,000 for fiscal year 2002, and $2,534,300 for fiscal year 2003.''.

SEC. 203. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.

SEC. 204. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

"SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

''(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

''(b) MANAGEMENT PLAN.—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) EXPANSION AND MODERNIZATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

''(A) $33,500,000 for fiscal year 2002;

''(B) $33,700,000 for fiscal year 2003;

''(C) $35,100,000 for fiscal year 2004;

''(D) $35,000,000 for fiscal year 2005; and

''(E) $33,500,000 for fiscal year 2006.

''(2) OPERATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

''(A) $4,500,000 for fiscal year 2002; and

''(B) $10,300,000 for fiscal year 2003.''.

SEC. 205. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is further amended by adding at the end the following new section:

"SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

''(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish the George E. Brown, Jr. Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through networking software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the George E. Brown, Jr. Network for Earthquake Engineering Simulation—

''(1) $28,200,000 for fiscal year 2001;

''(2) $24,400,000 for fiscal year 2002;

''(3) $4,500,000 for fiscal year 2003; and

''(4) $17,000,000 for fiscal year 2004.''.

SEC. 206. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively; and

(2) by adding at the end the following new subsection:

''(c) BUDGET COORDINATION.—

''(1) GUIDANCE.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

''(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

''(A) identifies each element of the proposed Program activities of the agency;

''(B) specifies how each of these activities contributes to the Program; and

''(C) states the portion of its request for appropriations allocated to each element of the Program.''.

SEC. 207. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

SEC. 208. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting '', and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes'' after ''and the general public''.

SEC. 209. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting ''and infrastructure'' after ''communication facilities''.

SEC. 210. SCIENTIFIC EARTHQUAKE STUDIES ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish a Scientific Earthquake Studies Advisory Committee.

(b) ORGANIZATION.—The Director shall establish procedures for selection of individuals not employed by the Federal Government who are qualified in the seismic sciences and other appropriate fields and may, pursuant to such procedures, select up to ten individuals, one of whom shall be designated Chairman, to serve on the Advisory Committee. Selection of individuals for the Advisory Committee shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the Advisory Committee, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations.

(c) MEETINGS.—The Advisory Committee shall meet at such times and places as may be designated by the Chairman in consultation with the Director.

(d) DUTIES.—The Advisory Committee shall advise the Director on matters relating to the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program, including the United States Geological Survey's roles, goals, and objectives within that Program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. The Advisory Committee shall issue an annual report to the Director for submission to Congress on or before September 30 of each year. The report shall describe the Advisory Committee's activities and address policy issues or matters that affect the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 655.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution amends H.R. 1550, and in doing so makes technical corrections to H.R. 1550 and S. 1639, both of which were passed by the Senate on October 18. I had hoped that the House could have sent these bills to the President, but, regrettably, errors in the Senate-passed versions mean that they will have to be sent back to the Senate.

In the interests of time, this resolution incorporates these two bills into titles I and II respectively of H.R. 1550.

Mr. Speaker, I thank the leadership for making the time available to consider this resolution, and I hope our colleagues in the Senate will move expeditiously to pass H.R. 1550, as amended by this resolution, and send it to the President for his signature before the Congress adjourns.

Mr. Speaker, titles I and II represent compromises worked out between the Senate and the House and are very similar to the comparable bills that passed the House by overwhelming majorities during the first session of this Congress.

Mr. Speaker, title I reauthorizes training, research, data collection, and analysis and public education programs at the United States Fire Administration. H.R. 1550 represents the big step in getting this agency back on track,

especially in research. The bill authorizes a total of $142.6 million over fiscal years 2001 through 2003. The bill also requires USFA to certify that funds obligated in fiscal year 2002 are consistent with the strategic plan required in title I.

In addition to the increased authorizations for research funding, the bill also requires the agency to establish research priorities and to develop a plan for implementing a research agenda.

Mr. Speaker, title II of the bill, which authorizes the National Earthquake Hazards Reduction Program, makes technical changes to S. 1639.

Earthquakes are a national problem. According to the U.S. Geological Survey, 39 States are subject to serious earthquake risk, and 75 million people in the United States live in urban areas with moderate to high earthquake risk.

Four agencies participated in NEHRP, the Federal Emergency Management Administration, the USGS, the National Science Foundation, and the National Institute of Standards and Technology. For fiscal year 2001, title II authorizes $104.1 million for the base activities in these agencies.

In addition, title II authorizes two new projects, each of which grew out of congressional direction. The Advanced National Seismic Research and Monitoring System will update the Nation's aging seismic monitoring network. The bill authorizes $185 million over 5 years for USGS for equipment and operation.

Mr. Speaker, the George E. Brown, Jr. Network for Earthquake Engineering Simulation, named after the distinguished late ranking minority Member and chairman of the Committee on Science and originator of NEHRP, will link more than 30 earthquake engineering research facilities and upgrade and expand major earthquake testing facilities. Title II provides NSF with a 4-year authorization totalling $74.1 million for this program.

Mr. Speaker, finally, the bill authorizes funding for studying the New Madrid fault.

Through its emphasis on monitoring, research and mitigation, H.R. 1550 will help the Nation prepare for the inevitable and save lives and property. I would like to thank the gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Basic Research; the gentlewoman from Texas, (Ms. EDDIE BERNICE JOHNSON), the ranking minority member of the subcommittee; the gentleman from Texas (Mr. HALL), the ranking minority member of the Committee on Science, for all of their work in helping craft a fine bill.

Mr. Speaker, this resolution to amend H.R. 1550 represents a sensible, long-term investment that will pay for itself many times over in saved lives and reduced property losses. I urge my colleagues to support it.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. HALL of Texas. Mr. Speaker, the U.S. Fire Administration and the National Earthquake Hazards Reduction Program I think deserve everything that the gentleman from Wisconsin (Mr. SENSENBRENNER) has recommended. I think they deserve the support of this House, because their missions are very important to the safety of every American anywhere.

I want to thank the gentleman from Michigan (Mr. SMITH), the chairman of the Committee on Basic Research, and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who is the ranking Democratic member of the subcommittee, for their good work in developing H.R. 1550.

Also I want to acknowledge the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on Science, for moving the legislation forward and for so ably setting it forth before us tonight.

Mr. Speaker, actually, title I of H.R. 1550 will give the Fire Administration the resources it needs to carry out its important mission and will also ensure that the agency conducts a strategic planning necessary to ensure that the resources provided are spent effectively.

In addition, title II of the bill reauthorizes the funding of Federal research and geosciences, social sciences and engineering that has contributed to saving countless lives, personal property and critical infrastructures. This continued support will allow for even greater strides in innovative areas that the Federal Emergency Management Agency, or FEMA, the United States Geological Survey, the National Science Foundation, and the National Institutes of Science and Technology are currently exploring.

The U.S. Fire Administration is a small agency with a very large role. The funding provided by this bill will be used to improve the skills of the firefighters and emergency response personnel. The funds will help to increase the public awareness of fire safety. Finally, Mr. Speaker, the funds will support research required to improve the equipment available for suppressing fires and protecting firefighters.

The funding authorizations provided cover fiscal year 2001 through the year 2003. The fiscal year 2001 authorization is right at the President's request. The increases in authorization levels for the other two outyears will provide resources needed to accommodate new responsibilities at the Fire Administration for counterterrorism, training, and to reinvigorate the agency's research activities.

Mr. Speaker, title II of H.R. 1550 reauthorizes the Earthquake Hazards Reduction Act of 1977. In addition to authorizing increased funding for the base earthquake program, and I am proud to announce this, the bill authorizes, one, the George E. Brown, Jr. Network for Earthquake Engineering Simulation; and, two, the Advanced Seismic Research and Monitoring System; and, three, a study on elements of the earthquake program that address the needs of at-risk populations.

Mr. Speaker, the George E. Brown, Jr. Network for Earthquake Engineering Simulation is an effort by the National Science Foundation to modernize the earthquake engineering research facilities.

Mr. Speaker, it is an effort that I think my good friend, the late George Brown, would have applauded; and I am overjoyed that this bill honors the 30-plus years of advocacy of the late George E. Brown, Jr. on earthquake mitigation and preparedness in this fashion.

It is truly fitting that Representative Brown, one of the original drafters of the 1977 earthquake bill and a man whose name remains synonymous with earthquake preparedness and mitigation during his time in this Congress, is equated with the improvement in the earthquake infrastructure.

Mr. Speaker, I fully support H.R. 1550 and commend the measure to the House for its very favorable consideration.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me the time.

Mr. Speaker, as the gentleman from Wisconsin (Mr. SENSENBRENNER) noted in his remarks, this bill represents the combination of two good bills that will go a long ways towards reducing the risk of damage to property and injury to Americans due to fire or earthquakes.

As chairman of the Subcommittee on Basic Research, it was my privilege to introduce the two bills that have become the two titles of this legislation today.

H. Res. 655 really, as I see it, is legislative substitute of a conference committee. So it moves the process a long a little faster. It incorporates the agreed-to changes by the Senate and by the House.

Mr. Speaker, title I is the Fire Administration Authorization Act of 2000. Since its creation in 1974, the Fire Administration has had a notable, positive impact on communities across the country. Between 1986 and 1995, for example, fire deaths decreased 30 percent, and the adjusted dollar loss associated with fire decreased 13 percent.

Mr. Speaker, much of this decrease can be traced to the research sponsored by the USFA. Now, I think we need a renewed effort to reduce damage and loss by fire and support our first responders.

We passed exceptional help in the Defense authorization bill this year and plan to appropriate $100 million for a new grant program for fire departments. All of this legislation demonstrates our commitment to the 1.2 million men and women of the fire service, 80 percent of whom serve as volunteers.

This bill authorizes a total of $142.6 million for the Fire Administration for the next 3 years, including nearly $10 million for research, but it does more than authorize increased funding.

It also requires the Fire Administration to develop a strategic plan, and ties obligations for Fiscal Year 2001 to that plan. I believe that while it is important for the Federal Emergency Management Agency to incorporate the Fire Administration into its Federal-disaster planning, it is also important for the Fire Administration to establish strategic priorities of its own that, when taken in the aggregate, can have a huge impact in reduced life and property loss from fire.

In addition to the substantial increase authorized for research, this legislation also directs the Fire Administration to establish a research agenda. Coupled with the increased money, this research agenda will compel the Fire Administration to set priorities and give research a more central role in its activities.

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Title II of this legislation is the Earthquakes Hazard Reduction Authorization Act of 2000. The National Earthquake Hazard Reduction Program called NEHRP has enjoyed strong bipartisan support. Again, the primary purpose of NEHRP is simple: to save lives and property. But while the goal may be stated simply, really getting a grip on the problems earthquakes pose is a more difficult challenge.

Since its inception in 1977, NEHRP has done a credible job of contributing to our store of knowledge about the causes and effects of earthquakes, and it has reduced our vulnerability to them through engineering research and new building designs. The Program's monitoring component also holds the promise of providing real-time warning to citizens and a wealth of data to researchers. Indeed, improving earthquake warnings by just a few seconds can mean the difference between life and death. This bill reauthorizes the base NEHRP programs at $104 million for FY 2001, $108 million for FY 2002, and $113 million for FY 2003.

Mr. Speaker, let me conclude by saying 39 States are exposed to a significant earthquake risk, and about 75 million people live in urban areas with moderate to high earthquake risk. The programs authorized in this bill will enable us to have better warnings and be better prepared for the inevitable earthquakes in our future.

Mr. Speaker, in closing, I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER); and I would like to thank the gentleman from Texas (Mr. HALL), the full committee ranking member; and certainly the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member of the subcommittee; and all of my colleagues on the Subcommittee on Basic Research for their efforts in bringing this bill forward.

I would also like to recognize the efforts of our late ranking member. As was commented on by both the gentleman from Texas (Mr. HALL) and the gentleman from Wisconsin (Mr. SENSENBRENNER), Representative George E. Brown, Jr. was the originator of the NEHRP program, and he believed strongly in the need for earthquake research and preparedness. I am pleased that this bill will authorize the Network for Earthquake Engineering Simulation in his name. I urge my colleagues to once again support this important legislation.

Mr. HALL of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who is the ranking democratic member of the Subcommittee on Basic Research.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the U.S. Fire Administration and the National Earthquake Hazards Reduction Program have long enjoyed the bipartisan support of the Congress because of their vital mission, to improve safety for all citizens.

I would like to acknowledge the collegial approach taken by the gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Basic Research, in developing H.R. 1550. It has been a pleasure working with him on the bill. I also want to thank the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking democratic member, the gentleman from Texas (Mr. HALL), for their efforts to bring it before the House for its consideration tonight.

The Federal Fire Prevention and Control Act of 1974 was intended to address a serious problem affecting the safety of all Americans. Much progress has been made during the past 25 years in public education about fire safety and improvement in the effectiveness of fire services and the wider use of home fire safety devices. Nevertheless, the United States still has one of the highest fire death rates among advanced nations.

In 1997, 4,000 Americans died and nearly 24,000 were injured in fires. Moreover, the approximately 2 million fires reported each year result in direct property loss estimated at well over $8 billion, with a total direct and indirect cost reaching $100 billion annually.

The bill before the House seeks to reinvigorate the efforts of the fire administration. I am pleased that it endorses the President's fiscal year 2000 proposal and brings the budget level to $50 million by fiscal year 2003.

Although this is a 12 percent increase over 3 years, it still pales compared to the scale of activity originally contemplated for the agency. Nevertheless, H.R. 1550 is a good start. We are improving the level of resources the fire administration needs to carry out its important mission. It will enable the agency to increase support for its critical responsibility for firefighter training through the National Fire Academy. The budget growth will enable the agency to reverse the steep decline in support for fire research and for public education programs. Regarding public education, the fire administration must enlarge and improve its efforts to reduce losses, and I will put my complete remarks in the record.

Mr. Speaker, I would also like to specifically express my support for title II of H.R. 1550 which authorizes the national earthquake hazard reduction program. Through the efforts of the scientists and engineers funded by NEHRP programs, we now have maps that inform engineers, architects and builders of seismic hazards. We have model building codes, and we have a greater understanding of the science of earthquake hazards and the response of buildings to the seismic movement.

Advances such as early warning of seismic events, more structurally sound buildings, regional analysis of seismic risk, mobile research centers and widespread use of Internet and other telecommunications capability are going to make a marked reduction in the earthquakes.

As my former colleague, the gentleman from California, Mr. Brown, would say, there are still challenges we must face and assessments that must be made periodically to make sure that we are doing everything we can to ensure the safety and security of the American people. There are still earthquake-prone communities that have not adopted appropriate building codes; monitoring in earthquake-prone areas is still done with less than state-of-the-art equipment, and disparities in earthquake losses due to age, socioeconomic status, and physical limitations still exist. Fortunately, I feel that the bill before us today will help us meet these needs.

In addition to authorizing increased funding for the base program, the bill authorizes the Advanced Seismic Research and Monitoring System to upgrade and expand our seismic monitoring, and the Network for Earthquake Engineering Simulation to modernize earthquake engineering research facilities. The full title of the network for the earthquake engineering simulation is actually the George E. Brown, Jr. Network and Earthquake Engineering Simulation, in recognition of one of this legislative body's most active and vigilant champions of initiative preparedness; the late Representative George E. Brown, Jr.

Mr. Brown began the crusade for earthquake preparedness and mitigation in the 1960s at a time in which many people labeled him as an alarmist, but as we all know, Mr. Brown was always a step ahead in his view of the world around us. Through his works and through him serving as one of the original drafters of the Earthquake Hazards Reduction Act of 1977, Mr.

Brown has improved the lives of countless Americans that reside in seismically active or potentially active regions of the country. Therefore, it is only fitting that this recognition be given to a man who served as one of the greatest contributors to the current earthquake hazards reduction infrastructure.

In closing, Mr. Speaker, let me say that H.R. 1550 is a good bill that comes to the floor at this time, and it is with bipartisan support, and I am pleased to recommend that all of the Members support this measure.

Mr. Speaker, the U.S. Fire Administration and The National Earthquake Hazards Reduction Program have long enjoyed the bipartisan support of the Congress because of their vital mission to improve the safety of all our citizens.

I would like to acknowledge the collegial approach taken by Mr. SMITH, the chairman of the Basic Research Subcommittee, in developing H.R. 1550. It has been a pleasure working with him on the bill. I also want to thank the chairman of the committee, Mr. SENSENBRENNER, and the Ranking Democratic Member, Mr. HALL, for their efforts in bringing it before the House for its consideration today.

The Federal Fire Prevention and Control Act of 1974 was intended to address a serious problem affecting the safety of all Americans. Much progress has been made during the past 25 years in public education about fire safety, improvement in the effectiveness of fire services, and the wider use of home fire safety devices.

Nevertheless, the United States still has one of the highest fire death rates among advanced nations. In 1997, 4,000 Americans died and nearly 24,000 were injured in fires. Moreover, the approximately 2 million fires reported each year result in direct property losses estimated at well over $8 billion, with total direct and indirect costs reaching $100 billion annually.

The bill before the House seeks to reinvigorate the efforts of the Fire Administration. I am pleased that it endorses the President's fiscal year 2001 proposal and brings the budget level to $50 million by fiscal year 2003. Although this is a 12 percent increase over three years, it still pales compared to the scale of activity originally contemplated for the agency.

Nevertheless, H.R. 1550 is a good start for providing the level of resources the Fire Administration needs to carry out its important mission. It will enable the agency to increase support for its critical responsibility for firefighter training through the National Fire Academy. Moreover, the budget growth will enable the agency to reverse the steep decline in support for fire research and for public education programs.

Regarding public education, the Fire Administration must enlarge and improve its efforts to reduce losses for the population groups most at risk from fire death and injury. We know that the elderly, the very young, and the poor are the most vulnerable. I included language in the report accompanying the original House-passed version of the bill tasking the Fire Administration to carefully assess whether research and additional data collection activities could improve understanding of the factors that lead to increased fire risk. Effective, targeted fire prevention campaigns can be developed only from a sound knowledge base.

In addition to resources, the bill provides for the agency to develop a management plan and establish the program priorities that will help to ensure the increased resources are used to maximum effect. An important component of the plan is the requirement for consultation with the National Institute of Standards and Technology and the fire service organizations to establish a prioritized set of research goals.

Mr. Speaker, I would also like to specifically express my support of Title II of HR 1550, which reauthorizes the National Earthquake Hazards Reduction Program (NEHRP). Through the efforts of the scientists and engineers funded by NEHRP programs, we now have maps that inform engineers, architects, and builders of seismic hazards; we have model building codes; and we have a greater understanding of the science of earthquake hazards and the response of buildings to seismic movement.

Advances such as early warning of seismic events, more structurally sound buildings, regional analysis of seismic risk, mobile research centers, and widespread use of the Internet and other telecommunications capabilities are going to make marked reductions in the impacts of earthquakes.

However, as my former colleague Mr. Brown of California would say, there are still challenges we must face and assessments that must be made periodically to make sure that we are doing everything we can to ensure the safety and security of the American people.

There are still earthquake-prone communities that have not adopted appropriate building codes; monitoring in earthquake-prone areas is still done with less than state-of-the-art equipment, and disparities in earthquake losses due to age, socioeconomic status, and physical limitations still exist.

Fortunately, I feel that the bill before us today will help us meet these needs.

In addition to authorizing increased funding for the base program, the bill authorizes (1) the ''Advanced Seismic Research and Monitoring System'' to upgrade and expand our seismic monitoring, and (2) the ''Network for Earthquake Engineering Simulation'' to modernize earthquake engineering research facilities.

The full title of the Network for Earthquake Engineering Simulation is actually the George E. Brown, Jr. Network for Earthquake Engineering Simulation in recognition of one of this legislative body's most active and vigilant champions of earthquake preparedness; the late Representative George E. Brown, Jr.

Mr. Brown began the crusade for earthquake preparedness and mitigation in the 1960's, at a time in which many people labeled him an alarmist. But as we all know Mr. Brown was always a step ahead in his view of the world around us. Through his works—including serving as one of the original drafters of the Earthquake Hazards Reduction Act of 1977—Mr. Brown has improved the lives of countless Americans that reside in seismically active, or potentially active, regions of the country.

Therefore, it is only fitting that this recognition be given to a man who served as one of the greatest contributors to the current ''earthquake hazard reduction'' infrastructure.

In closing, Mr. Speaker, let me say that H.R. 1550 is a good bill that comes to the Floor with bipartisan support and that authorizes programs that advance public safety. I am pleased to recommend the measure to my colleagues for their approval.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THUNE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, House Resolution 655.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HALL of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

OMNIBUS INDIAN ADVANCEMENT ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5528

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 ''Omnibus Indian Advancement Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION WORKS

Sec. 101. Findings.
Sec. 102. Conveyance and operation of irrigation works
Sec. 103. Relationship to other laws.

TITLE II—NATIVE HAWAIIAN HOUSING ASSISTANCE

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Housing assistance.
Sec. 204. Loan guarantees for Native Hawaiian housing.

TITLE III—COUSHATTA TRIBE OF LOUISIANA LAND TRANSACTIONS

Sec. 301. Approval not required to validate land transactions.

TITLE IV—WAKPA SICA RECONCILIATION PLACE

Sec. 401. Findings.
Sec. 402. Definitions.

Subtitle A—Reconciliation Center

Sec. 411. Reconciliation center.

Sec. 412. Sioux Nation Tribal Supreme Court.
Sec. 413. Legal jurisdiction not affected.
Subtitle B—GAO Study
Sec. 421. GAO study.
TITLE V—EXPENDITURE OF FUNDS BY ZUNI INDIAN TRIBE
Sec. 501. Expenditure of funds by tribe authorized.
TITLE VI—TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT
Sec. 601. Short title.
Sec. 602. Congressional findings and purpose.
Sec. 603. Definitions.
Sec. 604. Ratification of settlement agreement.
Sec. 605. Settlement funds.
Sec. 606. Trust land acquisition and status.
Sec. 607. Permanent flowage easements.
Sec. 608. Satisfaction of claims, waivers, and releases.
Sec. 609. Miscellaneous provisions.
Sec. 610. Authorization of appropriations.
Sec. 611. Effective date.
TITLE VII—SHAWNEE TRIBE STATUS
Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Definitions.
Sec. 704. Federal recognition, trust relationship, and program eligibility.
Sec. 705. Establishment of a tribal roll.
Sec. 706. Organization of the tribe; tribal constitution.
Sec. 707. Tribal land.
Sec. 708. Jurisdiction.
Sec. 709. Individual Indian land.
Sec. 710. Treaties not affected.
TITLE VIII—TECHNICAL CORRECTIONS
Sec. 801. Short title.
Subtitle A—Miscellaneous Technical Provisions
Sec. 811. Technical correction to an Act affecting the status of Mississippi Choctaw lands and adding such lands to the Choctaw Reservation.
Sec. 812. Technical corrections concerning the Five Civilized Tribes of Oklahoma.
Sec. 813. Waiver of repayment of expert assistance loans to the Red Lake Band of Chippewa Indians and the Minnesota Chippewa Tribes.
Sec. 814. Technical amendment to the Indian Child Protection and Family Violence Protection Act.
Sec. 815. Technical amendment to extend the authorization period under the Indian Health Care Improvement Act.
Sec. 816. Technical amendment to extend the authorization period under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
Sec. 817. Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.
Sec. 818. Technical amendment regarding the treatment of certain income for purposes of Federal assistance.
Sec. 819. Land to be taken into trust.
Subtitle B—Santa Fe Indian School
Sec. 821. Short title.
Sec. 822. Definitions.
Sec. 823. Transfer of certain lands for use as the Santa Fe Indian School.
Sec. 824. Land use.
TITLE IX—CALIFORNIA INDIAN LAND TRANSFER
Sec. 901. Short title.
Sec. 902. Lands held in trust for various tribes of California Indians.
Sec. 903. Miscellaneous provisions.
TITLE X—NATIVE AMERICAN HOMEOWNERSHIP
Sec. 1001. Lands Title Report Commission.
Sec. 1002. Loan guarantees.
Sec. 1003. Native American housing assistance.
TITLE XI—INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES
Sec. 1101. Short title.
Sec. 1102. Findings, purposes.
Sec. 1103. Amendments to the Indian Employment, Training and Related Services Demonstration Act of 1992.
Sec. 1104. Report on expanding the opportunities for program integration.
TITLE XII—NAVAJO NATION TRUST LAND LEASING
Sec. 1201. Short title.
Sec. 1202. Congressional findings and declaration of purposes.
Sec. 1203. Lease of restricted lands for the Navajo Nation.
TITLE XIII—AMERICAN INDIAN EDUCATION FOUNDATION
Sec. 1301. Short title.
Sec. 1302. Establishment of American Indian Education Foundation.
TITLE XIV—GRATON RANCHERIA RESTORATION
Sec. 1401. Short title.
Sec. 1402. Findings.
Sec. 1403. Definitions.
Sec. 1404. Restoration of Federal recognition, rights, and privileges.
Sec. 1405. Transfer of land to be held in trust.
Sec. 1406. Membership rolls.
Sec. 1407. Interim government.
Sec. 1408. Tribal constitution.
TITLE XV—CEMETERY SITES AND HISTORICAL PLACES
Sec. 1501. Findings; definitions.
Sec. 1502. Withdrawal of lands.
Sec. 1503. Application for conveyance of withdrawn lands.
Sec. 1504. Amendments.
Sec. 1505. Procedure for evaluating applications.
Sec. 1506. Applicability.

TITLE I—SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION WORKS

SEC. 101. FINDINGS.

The Congress finds and declares that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency;

(2) the Salt River Pima-Maricopa Indian Community (hereinafter referred to as the ''Community'') has operated the irrigation works within the Community's reservation since November 1997 and is capable of fully managing the operation of these irrigation works;

(3) considering that the irrigation works, which are comprised primarily of canals, ditches, irrigation wells, storage reservoirs, and sump ponds located exclusively on lands held in trust for the Community and allottees, have been operated generally the same for over 100 years, the irrigation works will continue to be used for the distribution and delivery of water;

(4) considering that the operational management of the irrigation works has been carried out by the Community as indicated in paragraph (2), the conveyance of ownership of such works to the Community is viewed as an administrative action;

(5) the Community's laws and regulations are in compliance with section 102(b); and

(6) in light of the foregoing and in order to—

(A) promote Indian self-determination, economic self-sufficiency, and self-governance;

(B) enable the Community in its development of a diverse, efficient reservation economy; and

(C) enable the Community to better serve the water needs of the water users within the Community,

it is appropriate in this instance that the United States convey to the Community the ownership of the irrigation works.

SEC. 102. CONVEYANCE AND OPERATION OF IRRIGATION WORKS

(a) CONVEYANCE.—The Secretary of the Interior, as soon as is practicable after the date of the enactment of this Act, and in accordance with the provisions of this title and all other applicable law, shall convey to the Community any or all rights and interests of the United States in and to the irrigation works on the Community's reservation which were formerly operated by the Bureau of Indian Affairs. Notwithstanding the provisions of sections 1 and 3 of the Act of April 4, 1910 (25 U.S.C. 385) and sections 1, 2, and 3 of the Act of August 7, 1946 (25 U.S.C. 385a, 385b, and 385c) and any implementing regulations, during the period between the date of the enactment of this Act and the conveyance of the irrigation works by the United States to the Community, the Community shall operate the irrigation works under the provisions set forth in this title and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including retaining and expending operations and maintenance collections for irrigation works purposes. Effective upon the date of conveyance of the irrigation works, the Community shall have the full ownership of and operating authority over the irrigation works in accordance with the provisions of this title.

(b) FULFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.—To assure compliance with the Federal trust responsibilities of the United States to Indian tribes, individual Indians and Indians with trust allotments, including such trust responsibilities contained in Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988 (Public Law 100–512), the Community shall operate the irrigation works consistent with this title and under uniform laws and regulations adopted by the Community for the management, regulation, and control of water resources on the reservation so as to assure fairness in the delivery of water to water users. Such Community laws and regulations include currently and shall continue to include provisions to maintain the following requirements and standards which shall be published and made available to the Secretary and the Community at large:

(1) PROCESS.—A process by which members of the Community, including Indian allottees, shall be provided a system of distribution, allocation, control, pricing and regulation of water that will provide a just and equitable distribution of water so as to achieve the maximum beneficial use and conservation of water in recognition of the demand on the water resource, the changing uses of land and water and the varying annual quantity of available Community water.

(2) DUE PROCESS.—A due process system for the consideration and determination of any request by an Indian or Indian allottee for distribution of water for use on his or her land, including a process for appeal and adjudication of denied or disputed distributions and for resolution of contested administrative decisions.

(c) SUBSEQUENT MODIFICATION OF LAWS AND REGULATIONS.—If the provisions of the Community's laws and regulations implementing

subsection (b) only are to be modified subsequent to the date of the enactment of this Act by the Community, such proposed modifications shall be published and made available to the Secretary at least 120 days prior to their effective date and any modification that could significantly adversely affect the rights of allottees shall only become effective upon the concurrence of both the Community and the Secretary.

(d) LIMITATIONS OF LIABILITY.—Effective upon the date of the enactment of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on the Community's ownership or operation of the irrigation works, except for damages caused by acts of negligence committed by the United States prior to the date of the enactment of this Act. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

(e) CANCELLATION OF CHARGES.—Effective upon the date of conveyance of the irrigation works under this section, any charges for construction of the irrigation works on the reservation of the Community that have been deferred pursuant to the Act of July 1, 1932 (25 U.S.C. 386a) are hereby canceled.

(f) PROJECT NO LONGER A BIA PROJECT.—Effective upon the date of conveyance of the irrigation works under this section, the irrigation works shall no longer be considered a Bureau of Indian Affairs irrigation project and the facilities will not be eligible for Federal benefits based solely on the fact that the irrigation works were formerly a Bureau of Indian Affairs irrigation project. Nothing in this title shall be construed to limit or reduce in any way the service, contracts, or funds the Community may be eligible to receive under other applicable Federal law.

SEC. 103. RELATIONSHIP TO OTHER LAWS.

Nothing in this title shall be construed to diminish the trust responsibility of the United States under applicable law to the Salt River Pima-Maricopa Indian Community, to individual Indians, or to Indians with trust allotments within the Community's reservation.

TITLE II—NATIVE HAWAIIAN HOUSING ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Hawaiian Homelands Homeownership Act of 2000''.

SEC. 202. FINDINGS.

Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996, as added by section 203 of this Act, eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) ⅓ of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and ½ of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treatymaking power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting

the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the Act of June 27, 1934 (commonly referred to as the ''National Housing Act'' (42 Stat. 1246 et seq., chapter 847; 12 U.S.C. 1701 et seq.));

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101–235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 203. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

''TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

''SEC. 801. DEFINITIONS.

''In this title:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) DIRECTOR.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

''(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

''(A) IN GENERAL.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

''(i) for an elderly family, an elderly person; or

''(ii) for a near-elderly family, a near-elderly person.

''(B) CERTAIN FAMILIES INCLUDED.—The term 'elderly family' or 'near-elderly family' includes—

''(i) 2 or more elderly persons or near-elderly persons, as the case may be, living together; and

''(ii) 1 or more persons described in clause (i) living with 1 or more persons determined under the housing plan to be essential to their care or well-being.

''(4) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(5) HOUSING AREA.—The term 'housing area' means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

''(6) HOUSING ENTITY.—The term 'housing entity' means the Department of Hawaiian Home Lands.

''(7) HOUSING PLAN.—The term 'housing plan' means a plan developed by the Department of Hawaiian Home Lands.

''(8) MEDIAN INCOME.—The term 'median income' means, with respect to an area that is a Hawaiian housing area, the greater of—

''(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

''(B) the median income for the State of Hawaii.

''(9) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

''SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

''(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

''(b) PLAN REQUIREMENT.—

''(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

''(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

''(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

''(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

''(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

''(d) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

''(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

''(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

''(B) expenses incurred in preparing a housing plan under section 803.

''(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

''SEC. 803. HOUSING PLAN.

''(a) PLAN SUBMISSION.—The Secretary shall—

''(1) require the Director to submit a housing plan under this section for each fiscal year; and

''(2) provide for the review of each plan submitted under paragraph (1).

''(b) 5-YEAR PLAN.—Each housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

''(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

''(B) GOAL AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

''(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

''(c) 1-YEAR PLAN.—A housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

''(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

''(I) the geographical needs of those families; and

''(II) needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all families to be served by the Department.

''(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

''(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

''(ii) the uses to which the resources described in clause (i) will be committed, including—

''(I) eligible and required affordable housing activities; and

''(II) administrative expenses.

''(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

''(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

''(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

''(I) rental assistance;

''(II) the production of new units;

''(III) the acquisition of existing units; or

''(IV) the rehabilitation of units;

''(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

''(I) the involvement of private, public, and nonprofit organizations and institutions;

''(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

''(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

''(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

''(v) a description of—

''(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vi) a description of—

''(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vii) a description of—

''(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

''(aa) transitional housing;

''(bb) homeless housing;

''(cc) college housing; and

''(dd) supportive services housing; and

''(II) the requirements and assistance available under such programs;

''(viii)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for that demolition or disposition; and

''(III) any other information required by the Secretary with respect to that demolition or disposition;

''(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

''(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

''(I) promote the safety of residents of the affordable housing;

''(II) facilitate the undertaking of crime prevention measures;

''(III) allow resident input and involvement, including the establishment of resident organizations; and

''(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

''(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

''(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

''(i) a certification that the Department of Hawaiian Home Lands will comply with—

''(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with title VIII of the Act popularly known as the 'Civil Rights Act of 1968' (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

''(II) other applicable Federal statutes;

''(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

''(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

''(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of title VIII of the Act popularly known as the 'Civil Rights Act of 1968' (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

''(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

''(B) to an eligible family on the basis that the family is a Native Hawaiian family.

''(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

''(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 804. REVIEW OF PLANS.

''(a) REVIEW AND NOTICE.—

''(1) REVIEW.—

''(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

''(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

''(2) NOTICE.—

''(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

''(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

''(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

''(ii) the Director shall be considered to have been notified of compliance.

''(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

''(1) the reasons for noncompliance; and

''(2) any modifications necessary for the plan to meet the requirements of section 803.

''(c) REVIEW.—

''(1) IN GENERAL.—After the Director submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

''(A) set forth the information required by section 803 to be contained in the housing plan;

''(B) are consistent with information and data available to the Secretary; and

''(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

''(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

''(d) UPDATES TO PLAN.—

''(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

''(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

''(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2000.

''SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

''(a) PROGRAM INCOME.—

''(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

''(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

''(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

''(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

''(A) whether the Department retains program income under paragraph (1); or

''(B) the amount of any such program income retained.

''(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

''(b) LABOR STANDARDS.—

''(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

''(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

''(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the 'Davis-Bacon Act' (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

''(2) EXCEPTIONS.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

''SEC. 806. ENVIRONMENTAL REVIEW.

''(a) IN GENERAL.—

''(1) RELEASE OF FUNDS.—

''(A) IN GENERAL.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

''(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

''(ii) to the public undiminished protection of the environment.

''(B) ALTERNATIVE ENVIRONMENTAL PROTECTION PROCEDURE.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

''(B) CONTENTS.—The regulations issued under this paragraph shall—

''(i) provide for the monitoring of the environmental reviews performed under this section;

''(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

''(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

''(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

''(b) PROCEDURE.—

''(1) IN GENERAL.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

''(2) EFFECT OF APPROVAL.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

''(c) CERTIFICATION.—A certification under the procedures under this section shall—

''(1) be in a form acceptable to the Secretary;

''(2) be executed by the Director;

''(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

''(4) specify that the Director—

''(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

''(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director.

''SEC. 807. REGULATIONS.

''The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2000.

''SEC. 808. EFFECTIVE DATE.

''Except as otherwise expressly provided in this title, this title shall take effect on the date of enactment of the Native American Housing Assistance and Self-Determination Amendments of 2000.

''SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

''(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.—

''(1) PRIMARY OBJECTIVE.—The national objectives of this title are—

''(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

''(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

''(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

''(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

''(E) to—

''(i) promote the development of private capital markets; and

''(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

''(2) ELIGIBLE FAMILIES.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

''(B) EXCEPTION TO LOW-INCOME REQUIREMENT.—

''(i) IN GENERAL.—The Director may provide assistance for homeownership activities under—

''(I) section 810(b);

''(II) model activities under section 810(f); or

''(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

''(ii) LIMITATIONS.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

''(C) OTHER FAMILIES.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

''(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

''(ii) the need for housing for the family cannot be reasonably met without the assistance.

''(D) PREFERENCE.—

''(i) IN GENERAL.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

''(ii) APPLICATION.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

''(E) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

''(a) IN GENERAL.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

''(1) develop or to support affordable housing for rental or homeownership; or

''(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

''(b) ACTIVITIES.—The activities described in this subsection are the following:

''(1) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

''(A) real property acquisition;

''(B) site improvement;

''(C) the development of utilities and utility services;

''(D) conversion;

''(E) demolition;

''(F) financing;

''(G) administration and planning; and

''(H) other related activities.

''(2) HOUSING SERVICES.—The provision of housing-related services for affordable housing, including—

''(A) housing counseling in connection with rental or homeownership assistance;

''(B) the establishment and support of resident organizations and resident management corporations;

''(C) energy auditing;

''(D) activities related to the provisions of self-sufficiency and other services; and

''(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

''(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

''(A) the preparation of work specifications;

''(B) loan processing;

''(C) inspections;

''(D) tenant selection;

''(E) management of tenant-based rental assistance; and

''(F) management of affordable housing projects.

''(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

''(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

''(A) designed to carry out the purposes of this title; and

''(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

''SEC. 811. PROGRAM REQUIREMENTS.

''(a) RENTS.—

''(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

''(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

''(b) MAINTENANCE AND EFFICIENT OPERATION.—

''(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

''(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

''(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

''(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

''(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

''SEC. 812. TYPES OF INVESTMENTS.

''(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

''(1) the discretion to use grant amounts for affordable housing activities through the use of—

''(A) equity investments;

''(B) interest-bearing loans or advances;

''(C) noninterest-bearing loans or advances;

''(D) interest subsidies;

''(E) the leveraging of private investments; or

''(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

''(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

''(b) INVESTMENTS.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

''SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

''(a) IN GENERAL.—Housing shall qualify for affordable housing for purposes of this title only if—

''(1) each dwelling unit in the housing—

''(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

''(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

''(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

''(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

''(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

''(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

''(I) avoid termination of low-income affordability, in the case of foreclosure; or

''(II) transfer ownership in lieu of foreclosure; and

''(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

''(b) EXCEPTION.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

''SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

''(a) LEASES.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

''(1) do not contain unreasonable terms and conditions;

''(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

''(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

''(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

''(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

''(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

''(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

''(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

''(C) is criminal activity (including drug-related criminal activity) on or off the premises.

''(b) TENANT OR HOMEBUYER SELECTION.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

''(1) are consistent with the purpose of providing housing for low-income families;

''(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

''(3) provide for—

''(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

''(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

''SEC. 815. REPAYMENT.

''If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

''(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

''(2) require repayment to the Secretary of any amount equal to those grant amounts.

"SEC. 816. ANNUAL ALLOCATION.

''For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

"SEC. 817. ALLOCATION FORMULA.

''(a) ESTABLISHMENT.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of enactment of the Hawaiian Homelands Homeownership Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

''(b) FACTORS FOR DETERMINATION OF NEED.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

''(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

''(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

''(3) any other objectively measurable conditions that the Secretary and the Director may specify.

''(c) OTHER FACTORS FOR CONSIDERATION.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

''(1) geographic distribution within Hawaiian Home Lands; and

''(2) technical capacity.

''(d) EFFECTIVE DATE.—This section shall take effect on the date of enactment of the Hawaiian Homelands Homeownership Act of 2000.

"SEC. 818. REMEDIES FOR NONCOMPLIANCE.

''(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—

''(1) IN GENERAL.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

''(A) terminate payments under this title to the Department;

''(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

''(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

''(2) ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

''(b) NONCOMPLIANCE BECAUSE OF A TECHNICAL INCAPACITY.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

''(1) is not a pattern or practice of activities constituting willful noncompliance; and

''(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

''(c) REFERRAL FOR CIVIL ACTION.—

''(1) AUTHORITY.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

''(2) CIVIL ACTION.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

''(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

''(B) for mandatory or injunctive relief.

''(d) REVIEW.—

''(1) IN GENERAL.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

''(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

''(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

''(2) PROCEDURE.—

''(A) IN GENERAL.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

''(B) OBJECTIONS.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

''(3) DISPOSITION.—

''(A) COURT PROCEEDINGS.—

''(i) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

''(ii) FINDINGS OF FACT.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

''(iii) ADDITION.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

''(B) SECRETARY.—

''(i) IN GENERAL.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

''(I) may—

''(aa) modify the findings of fact of the Secretary; or

''(bb) make new findings; and

''(II) shall file—

''(aa) such modified or new findings; and

''(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

''(ii) FINDINGS.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

''(I) supported by substantial evidence on the record; and

''(II) considered as a whole.

''(4) FINALITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

''(i) the jurisdiction of the court shall be exclusive; and

''(ii) the judgment of the court shall be final.

''(B) REVIEW BY SUPREME COURT.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

"SEC. 819. MONITORING OF COMPLIANCE.

''(a) ENFORCEABLE AGREEMENTS.—

''(1) IN GENERAL.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

''(2) MEASURES.—The measures referred to in paragraph (1) shall provide for—

''(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

''(B) remedies for breach of the provisions referred to in paragraph (1).

''(b) PERIODIC MONITORING.—

''(1) IN GENERAL.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

''(2) REVIEW.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

''(3) RESULTS.—The results of each review under paragraph (1) shall be—

''(A) included in a performance report of the Director submitted to the Secretary under section 820; and

''(B) made available to the public.

''(c) PERFORMANCE MEASURES.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

"SEC. 820. PERFORMANCE REPORTS.

''(a) REQUIREMENT.—For each fiscal year, the Director shall—

''(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

''(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

''(b) CONTENT.—Each report submitted under this section for a fiscal year shall—

''(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

''(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

''(3) indicate the programmatic accomplishments of the Department; and

''(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

''(c) SUBMISSIONS.—The Secretary shall—

''(1) establish a date for submission of each report under this section;

''(2) review each such report; and

''(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

''(d) PUBLIC AVAILABILITY.—

''(1) COMMENTS BY BENEFICIARIES.—In preparing a report under this section, the Director shall make the report publicly available

to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

''(2) SUMMARY OF COMMENTS.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

''SEC. 821. REVIEW AND AUDIT BY SECRETARY.

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

''(A) the Director has—

''(i) carried out eligible activities under this title in a timely manner;

''(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

''(iii) a continuing capacity to carry out the eligible activities in a timely manner;

''(B) the Director has complied with the housing plan submitted by the Director under section 803; and

''(C) the performance reports of the Department under section 821 are accurate.

''(2) ONSITE VISITS.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

''(b) REPORT BY SECRETARY.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

''(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

''SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

''To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

''SEC. 823. REPORTS TO CONGRESS.

''(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

''(1) a description of the progress made in accomplishing the objectives of this title;

''(2) a summary of the use of funds available under this title during the preceding fiscal year; and

''(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

''(b) RELATED REPORTS.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

''SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 2000, 2001, 2002, 2003, and 2004.''.

SEC. 204. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

''SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

''(a) DEFINITIONS.—In this section:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term 'Department of Hawaiian Home Lands' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

''(3) FAMILY.—The term 'family' means 1 or more persons maintaining a household, as the Secretary shall by regulation provide.

''(4) GUARANTEE FUND.—The term 'Guarantee Fund' means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i).

''(5) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(6) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

''(7) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the entity of that name established under the constitution of the State of Hawaii.

''(b) AUTHORITY.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (c).

''(c) ELIGIBLE LOANS.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

''(1) ELIGIBLE BORROWERS.—The loan is made only to a borrower who is—

''(A) a Native Hawaiian family;

''(B) the Department of Hawaiian Home Lands;

''(C) the Office of Hawaiian Affairs; or

''(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

''(2) ELIGIBLE HOUSING.—

''(A) IN GENERAL.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

''(B) HOUSING PLAN.—A housing plan described in this subparagraph is a housing plan that—

''(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

''(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

''(3) SECURITY.—The loan may be secured by any collateral authorized under applicable Federal or State law.

''(4) LENDERS.—

''(A) IN GENERAL.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

''(B) APPROVAL.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

''(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

''(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

''(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

''(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

''(5) TERMS.—The loan shall—

''(A) be made for a term not exceeding 30 years;

''(B) bear interest (exclusive of the guarantee fee under subsection (e) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

''(C) involve a principal obligation not exceeding—

''(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); or

''(ii) the amount approved by the Secretary under this section; and

''(D) involve a payment on account of the property—

''(i) in cash or its equivalent; or

''(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

''(d) CERTIFICATE OF GUARANTEE.—

''(1) APPROVAL PROCESS.—

''(A) IN GENERAL.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

''(B) APPROVAL.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

''(2) STANDARD FOR APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

''(3) EFFECT.—

''(A) IN GENERAL.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

''(B) EVIDENCE.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

''(C) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

''(4) FRAUD AND MISREPRESENTATION.—This subsection may not be construed—

''(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

''(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

''(e) GUARANTEE FEE.—

''(1) IN GENERAL.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

''(2) PAYMENT.—The fee under this subsection shall—

''(A) be paid by the lender at time of issuance of the guarantee; and

''(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

''(3) DEPOSIT.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

''(f) LIABILITY UNDER GUARANTEE.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

''(g) TRANSFER AND ASSUMPTION.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

''(h) DISQUALIFICATION OF LENDERS AND CIVIL MONEY PENALTIES.—

''(1) IN GENERAL.—

''(A) GROUNDS FOR ACTION.—The Secretary may take action under subparagraph (B) if the Secretary determines that any lender or holder of a guarantee certificate under subsection (d)—

''(i) has failed—

''(I) to maintain adequate accounting records;

''(II) to service adequately loans guaranteed under this section; or

''(III) to exercise proper credit or underwriting judgment; or

''(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

''(B) ACTIONS.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (d) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

''(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

''(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

''(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

''(2) CIVIL MONEY PENALTIES FOR INTENTIONAL VIOLATIONS.—

''(A) IN GENERAL.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

''(i) to maintain adequate accounting records;

''(ii) to adequately service loans guaranteed under this section; or

''(iii) to exercise proper credit or underwriting judgment.

''(B) PENALTIES.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f–1) with respect to mortgagees and lenders under that Act.

''(3) PAYMENT ON LOANS MADE IN GOOD FAITH.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

''(i) PAYMENT UNDER GUARANTEE.—

''(1) LENDER OPTIONS.—

''(A) IN GENERAL.—

''(i) NOTIFICATION.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

''(ii) PAYMENT.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in 1 of the following manners:

''(I) FORECLOSURE.—

''(aa) IN GENERAL.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

''(bb) PAYMENT.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(II) NO FORECLOSURE.—

''(aa) IN GENERAL.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

''(bb) PAYMENT.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(B) REQUIREMENTS.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

''(2) LIMITATIONS ON LIQUIDATION.—

''(A) IN GENERAL.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

''(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

''(j) NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Native Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

''(2) CREDITS.—The Guarantee Fund shall be credited with—

''(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

''(B) any amounts appropriated pursuant to paragraph (7);

''(C) any guarantee fees collected under subsection (d); and

''(D) any interest or earnings on amounts invested under paragraph (4).

''(3) USE.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

''(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

''(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

''(C) acquiring such security property at foreclosure sales or otherwise;

''(D) paying administrative expenses in connection with this section; and

''(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

''(4) INVESTMENT.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

''(5) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS AND MORTGAGES.—

''(A) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

''(B) LIMITATIONS ON COSTS OF GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2000, 2001, 2002, 2003, and 2004 with an aggregate outstanding principal amount not exceeding $100,000,000 for each such fiscal year.

''(6) LIABILITIES.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

''(k) REQUIREMENTS FOR STANDARD HOUSING.—

''(1) IN GENERAL.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

''(2) STANDARDS.—The standards referred to in paragraph (1) shall—

''(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

''(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

''(i) be decent, safe, sanitary, and modest in size and design;

''(ii) conform with applicable general construction standards for the region in which the housing is located;

''(iii) contain a plumbing system that—

''(I) uses a properly installed system of piping;

''(II) includes a kitchen sink and a partitional bathroom with lavatory, toilet, and bath or shower; and

''(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

''(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

''(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

''(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f–4), unless the Secretary determines that the requirements are not applicable.

''(l) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of title VIII of the Act popularly known as the 'Civil Rights Act of 1968' (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.''.

TITLE III—COUSHATTA TRIBE OF LOUISIANA LAND TRANSACTIONS

SEC. 301. APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Coushatta Tribe of Louisiana, may lease, sell, convey, warrant, or otherwise transfer all or any part of the Tribe's interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section is intended or shall be construed to—

(1) authorize the Coushatta Tribe of Louisiana to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Tribe; or

(2) affect the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

TITLE IV—WAKPA SICA RECONCILIATION PLACE

SEC. 401. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;

(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—

(A) reconciling conflicting tribal laws; and

(B) strengthening tribal court systems;

(4) the reservations of the Sioux Nation—

(A) contain the poorest counties in the United States; and

(B) lack adequate tools to promote economic development and the creation of jobs;

(5) there is a need to enhance and strengthen the capacity of Indian tribal governments and tribal justice systems to address conflicts which impair relationships in Indian communities and between Indian and non-Indian communities and individuals; and

(6) the establishment of the National Native American Mediation Training Center, with the technical assistance of tribal and Federal agencies, including the Community Relations Service of the Department of Justice, would enhance and strengthen the mediation skills that are useful in reducing tensions and resolving conflicts in Indian communities and between Indian and non-Indian communities and individuals.

SEC. 402. DEFINITIONS.

In this title:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) SIOUX NATION.—The term ''Sioux Nation'' means the Cheyenne River Sioux Tribe, the Crow Creek Sioux Tribe, the Flandreau Santee Sioux Tribe, the Lower Brule Sioux Tribe, the Oglala Sioux Tribe, the Rosebud Sioux Tribe, the Santee Sioux Tribe, the Sisseton-Wahpeton Sioux Tribe, the Spirit Lake Sioux Tribe, the Standing Rock Sioux Tribe, and the Yankton Sioux Tribe.

Subtitle A—Reconciliation Center

SEC. 411. RECONCILIATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in cooperation with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as ''Wakpa Sica Reconciliation Place''.

(b) LOCATION.—Notwithstanding any other provision of law, the Secretary shall take into trust for the benefit of the Sioux Nation the parcel of land in Stanley County, South Dakota, that is described as the ''Reconciliation Place Addition'' that is owned on the date of enactment of this Act by the Wakpa Sica Historical Society, Inc., for the sole purpose of establishing and operating Wakpa Sica Reconciliation Place as described in subsection (c).

(c) PURPOSES.—The purposes of Wakpa Sica Reconciliation Place shall be as follows:

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house a Native American economic development center.

(5) To house a facility to train tribal personnel in conflict resolution and alternative dispute resolution.

(d) GRANT.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Wakpa Sica Reconciliation Place.

(2) GRANT AGREEMENT.—

(A) IN GENERAL.—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) CONSULTATION.—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.—The grant agreement under this paragraph shall specify the duties of the

Wakpa Sica Historical Society under this section and arrangements for the maintenance of Wakpa Sica Reconciliation Place.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Housing and Urban Development $18,258,441, to be used for the grant under this section.

SEC. 412. SIOUX NATION TRIBAL SUPREME COURT.

(a) IN GENERAL.—To ensure the development and operation of the Sioux Nation Tribal Supreme Court and for mediation training, the Attorney General of the United States shall use available funds to provide technical and financial assistance to the Sioux Nation.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

SEC. 413. LEGAL JURISDICTION NOT AFFECTED.

Nothing in this title shall be construed to expand, diminish, or otherwise amend the civil or criminal legal jurisdiction of the Federal Government or any tribal or State government.

Subtitle B—GAO Study

SEC. 421. GAO STUDY.

(a) IN GENERAL.—The Comptroller General shall conduct a study and make findings and recommendations with respect to—

(1) Federal programs designed to assist Indian tribes and tribal members with economic development, job creation, entrepreneurship, and business development;

(2) the extent of use of the programs;

(3) how effectively such programs accomplish their mission; and

(4) ways in which the Federal Government could best provide economic development, job creation, entrepreneurship, and business development for Indian tribes and tribal members.

(b) REPORT.—The Comptroller General shall submit a report to Congress on the study, findings, and recommendations required by subsection (a) not later than 1 year after the date of enactment of this Act.

TITLE V—EXPENDITURE OF FUNDS BY ZUNI INDIAN TRIBE

SEC. 501. EXPENDITURE OF FUNDS BY TRIBE AUTHORIZED.

Section 3 of the Zuni Land Conservation Act of 1990 (Public Law 101–486) is amended—

(1) in subsection (b)(1), by striking ''The Secretary of the Interior'' and inserting ''The Zuni Indian Tribe''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking '', subject to paragraph (2),'';

(B) by striking paragraph (2);

(C) in paragraph (3), by striking ''Secretary of the Interior'' and inserting ''Zuni Indian Tribe''; and

(D) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

TITLE VI—TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Torres-Martinez Desert Cahuilla Indians Claims Settlement Act''.

SEC. 602. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

(3) In 1909, an additional 12,000 acres of land, 9,000 of which were then submerged under the Salton Sea, were added to the reservation under a Secretarial Order issued pursuant to a 1907 amendment of the Mission Indian Relief Act. Due to receding water levels in the Salton Sea through the process of evaporation, at the time of the 1909 enlargement of the reservation, there were some expectations that the Salton Sea would recede within a period of 25 years.

(4) Through the present day, the majority of the lands added to the reservation in 1909 remain inundated due in part to the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea.

(5) In addition to those lands that are inundated, there are also tribal and individual Indian lands located on the perimeter of the Salton Sea that are not currently irrigable due to lack of proper drainage.

(6) In 1982, the United States brought an action in trespass entitled ''United States of America, in its own right and on behalf of Torres-Martinez Band of Mission Indians and the Allottees therein v. the Imperial Irrigation District and Coachella Valley Water District'', Case No. 82–1790 K (M) (hereafter in this section referred to as the ''U.S. Suit'') on behalf of the Torres-Martinez Indian Tribe and affected Indian allottees against the two water districts seeking damages related to the inundation of tribal- and allottee-owned lands and injunctive relief to prevent future discharge of water on such lands.

(7) On August 20, 1992, the Federal District Court for the Southern District of California entered a judgment in the U.S. Suit requiring the Coachella Valley Water District to pay $212,908.41 in past and future damages and the Imperial Irrigation District to pay $2,795,694.33 in past and future damages in lieu of the United States request for a permanent injunction against continued flooding of the submerged lands.

(8) The United States, the Coachella Valley Water District, and the Imperial Irrigation District have filed notices of appeal with the United States Court of Appeals for the Ninth Circuit from the district court's judgment in the U.S. Suit (Nos. 93–55389, 93–55398, and 93–55402), and the Tribe has filed a notice of appeal from the district court's denial of its motion to intervene as a matter of right (No. 92–55129).

(9) The Court of Appeals for the Ninth Circuit has stayed further action on the appeals pending the outcome of settlement negotiations.

(10) In 1991, the Tribe brought its own lawsuit, Torres-Martinez Desert Cahuilla Indians, et al., v. Imperial Irrigation District, et al., Case No. 91–1670 J (LSP) (hereafter in this section referred to as the ''Indian Suit'') in the United States District Court, Southern District of California, against the two water districts, and amended the complaint to include as a plaintiff, Mary Resvaloso, in her own right, and as class representative of all other affected Indian allotment owners.

(11) The Indian Suit has been stayed by the district court to facilitate settlement negotiations.

(b) PURPOSE.—The purpose of this title is to facilitate and implement the settlement agreement negotiated and executed by the parties to the U.S. Suit and Indian Suit for the purpose of resolving their conflicting claims to their mutual satisfaction and in the public interest.

SEC. 603. DEFINITIONS.

For the purposes of this title:

(1) TRIBE.—The term ''Tribe'' means the Torres-Martinez Desert Cahuilla Indians, a federally recognized Indian tribe with a reservation located in Riverside and Imperial Counties, California.

(2) ALLOTTEES.—The term ''allottees'' means those individual Tribe members, their successors, heirs, and assigns, who have individual ownership of allotted Indian trust lands within the Torres-Martinez Indian Reservation.

(3) SALTON SEA.—The term ''Salton Sea'' means the inland body of water located in Riverside and Imperial Counties which serves as a drainage reservoir for water from precipitation, natural runoff, irrigation return flows, wastewater, floods, and other inflow from within its watershed area.

(4) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the Agreement of Compromise and Settlement Concerning Claims to the Lands of the United States Within and on the Perimeter of the Salton Sea Drainage Reservoir Held in Trust for the Torres-Martinez Indians executed on June 18, 1996, as modified by the first, second, third, and fourth modifications thereto.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) PERMANENT FLOWAGE EASEMENT.—The term ''permanent flowage easement'' means the perpetual right by the water districts to use the described lands in the Salton Sink within and below the minus 220-foot contour as a drainage reservoir to receive and store water from their respective water and drainage systems, including flood water, return flows from irrigation, tail water, leach water, operational spills, and any other water which overflows and floods such lands, originating from lands within such water districts.

SEC. 604. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States hereby approves, ratifies, and confirms the Settlement Agreement.

SEC. 605. SETTLEMENT FUNDS.

(a) ESTABLISHMENT OF TRIBAL AND ALLOTTEES SETTLEMENT TRUST FUNDS ACCOUNTS.—

(1) IN GENERAL.—There are established in the Treasury of the United States three settlement trust fund accounts to be known as the ''Torres-Martinez Settlement Trust Funds Account'', the ''Torres-Martinez Allottees Settlement Account I'', and the ''Torres-Martinez Allottees Settlement Account II'', respectively.

(2) AVAILABILITY.—Amounts held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II shall be available to the Secretary for distribution to the Tribe and affected allottees in accordance with subsection (c).

(b) CONTRIBUTIONS TO THE SETTLEMENT TRUST FUNDS.—

(1) IN GENERAL.—Amounts paid to the Secretary for deposit into the trust fund accounts established by subsection (a) shall be allocated among and deposited in the trust accounts in the amounts determined by the tribal-allottee allocation provisions of the Settlement Agreement.

(2) CASH PAYMENTS BY COACHELLA VALLEY WATER DISTRICT.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Coachella Valley Water District shall pay the sum of $337,908.41 to the United States for the benefit of the Tribe and any affected allottees.

(3) CASH PAYMENTS BY IMPERIAL IRRIGATION DISTRICT.—Within the time, in the manner,

and upon the conditions specified in the Settlement Agreement, the Imperial Irrigation District shall pay the sum of $3,670,694.33 to the United States for the benefit of the Tribe and any affected allottees.

(4) CASH PAYMENTS BY THE UNITED STATES.—Within the time and upon the conditions specified in the Settlement Agreement, the United States shall pay into the three separate tribal and allottee trust fund accounts the total sum of $10,200,000, of which sum—

(A) $4,200,000 shall be provided from moneys appropriated by Congress under section 1304 of title 31, United States Code, the conditions of which are deemed to have been met, including those of section 2414 of title 28, United States Code; and

(B) $6,000,000 shall be provided from moneys appropriated by Congress for this specific purpose to the Secretary.

(5) ADDITIONAL PAYMENTS.—In the event that any of the sums described in paragraph (2) or (3) are not timely paid by the Coachella Valley Water District or the Imperial Irrigation District, as the case may be, the delinquent payor shall pay an additional sum equal to 10 percent interest annually on the amount outstanding daily, compounded yearly on December 31 of each respective year, until all outstanding amounts due have been paid in full.

(6) SEVERALLY LIABLE FOR PAYMENTS.—The Coachella Valley Water District, the Imperial Irrigation District, and the United States shall each be severally liable, but not jointly liable, for its respective obligation to make the payments specified by this subsection.

(c) ADMINISTRATION OF SETTLEMENT TRUST FUNDS.—The Secretary shall administer and distribute funds held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II in accordance with the terms and conditions of the Settlement Agreement.

SEC. 606. TRUST LAND ACQUISITION AND STATUS.

(a) ACQUISITION AND PLACEMENT OF LANDS INTO TRUST.—

(1) IN GENERAL.—The Secretary shall convey into trust status lands purchased or otherwise acquired by the Tribe within the areas described in paragraphs (2) and (3) in an amount not to exceed 11,800 acres in accordance with the terms, conditions, criteria, and procedures set forth in the Settlement Agreement and this title. Subject to such terms, conditions, criteria, and procedures, all lands purchased or otherwise acquired by the Tribe and conveyed into trust status for the benefit of the Tribe pursuant to the Settlement Agreement and this title shall be considered as if such lands were so acquired in trust status in 1909 except as (i) to water rights as provided in subsection (c), and (ii) to valid rights existing at the time of acquisition pursuant to this title.

(2) PRIMARY ACQUISITION AREA.—

(A) IN GENERAL.—The primary area within which lands may be acquired pursuant to paragraph (1) consists of the lands located in the Primary Acquisition Area, as defined in the Settlement Agreement. The amount of acreage that may be acquired from such area is 11,800 acres less the number of acres acquired and conveyed into trust under paragraph (3).

(B) EFFECT OF OBJECTION.—Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(3) SECONDARY ACQUISITION AREA.—

(A) IN GENERAL.—Not more than 640 acres of land may be acquired pursuant to paragraph (1) from those certain lands located in the Secondary Acquisition Area, as defined in the Settlement Agreement.

(B) EFFECT OF OBJECTION.—Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote—

(i) the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within; or

(ii) the governing body of Riverside County, California, in the event that such lands are located within an unincorporated area,

formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(4) CONTIGUOUS LANDS.—The Secretary shall not take any lands into trust for the Tribe under generally applicable Federal statutes or regulations where such lands are both—

(A) contiguous to any lands within the Secondary Acquisition Area that are taken into trust pursuant to the terms of the Settlement Agreement and this title; and

(B) situated outside the Secondary Acquisition Area.

(b) RESTRICTIONS ON GAMING.—The Tribe may conduct gaming on only one site within the lands acquired pursuant to subsection 6(a)(1) as more particularly provided in the Settlement Agreement.

(c) WATER RIGHTS.—All lands acquired by the Tribe under subsection (a) shall—

(1) be subject to all valid water rights existing at the time of tribal acquisition, including (but not limited to) all rights under any permit or license issued under the laws of the State of California to commence an appropriation of water, to appropriate water, or to increase the amount of water appropriated;

(2) be subject to the paramount rights of any person who at any time recharges or stores water in a ground water basin to recapture or recover the recharged or stored water or to authorize others to recapture or recover the recharged or stored water; and

(3) continue to enjoy all valid water rights appurtenant to the land existing immediately prior to the time of tribal acquisition.

SEC. 607. PERMANENT FLOWAGE EASEMENTS.

(a) CONVEYANCE OF EASEMENT TO COACHELLA VALLEY WATER DISTRICT.—

(1) TRIBAL INTEREST.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall convey to the Coachella Valley Water District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) UNITED STATES INTEREST.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, convey to the Coachella Valley Water District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(b) CONVEYANCE OF EASEMENT TO IMPERIAL IRRIGATION DISTRICT.—

(1) TRIBAL INTEREST.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) UNITED STATES.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

SEC. 608. SATISFACTION OF CLAIMS, WAIVERS, AND RELEASES.

(a) SATISFACTION OF CLAIMS.—The benefits available to the Tribe and the allottees under the terms and conditions of the Settlement Agreement and the provisions of this title shall constitute full and complete satisfaction of the claims by the Tribe and the allottees arising from or related to the inundation and lack of drainage of tribal and allottee lands described in section 602 of this title and further defined in the Settlement Agreement.

(b) APPROVAL OF WAIVERS AND RELEASES.—The United States hereby approves and confirms the releases and waivers required by the Settlement Agreement and this title.

SEC. 609. MISCELLANEOUS PROVISIONS.

(a) ELIGIBILITY FOR BENEFITS.—Nothing in this title or the Settlement Agreement shall affect the eligibility of the Tribe or its members for any Federal program or diminish the trust responsibility of the United States to the Tribe and its members.

(b) ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.—No payment pursuant to this title shall result in the reduction or denial of any Federal services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) PRESERVATION OF EXISTING RIGHTS.—Except as provided in this title or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) AMENDMENT OF SETTLEMENT AGREEMENT.—The Settlement Agreement may be amended from time to time in accordance with its terms and conditions to the extent that such amendments are not inconsistent with the trust land acquisition provisions of the Settlement Agreement, as such provisions existed on—

(1) the date of the enactment of this Act, in the case of Modifications One and Three; and

(2) September 14, 2000, in the case of Modification Four.

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 611. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—Sections 4, 5, 6, 7, and 8 shall take effect on the date on which the Secretary determines the following conditions have been met:

(1) The Tribe agrees to the Settlement Agreement and the provisions of this title and executes the releases and waivers required by the Settlement Agreement and this title.

(2) The Coachella Valley Water District agrees to the Settlement Agreement and to the provisions of this title.

(3) The Imperial Irrigation District agrees to the Settlement Agreement and to the provisions of this title.

TITLE VII—SHAWNEE TRIBE STATUS

SEC. 701. SHORT TITLE.

This title may be cited as the ''Shawnee Tribe Status Act of 2000''.

SEC. 702. FINDINGS.

Congress finds the following:

(1) The Cherokee Shawnees, also known as the Loyal Shawnees, are recognized as the descendants of the Shawnee Tribe which was incorporated into the Cherokee Nation of Indians of Oklahoma pursuant to an agreement entered into by and between the Shawnee Tribe and the Cherokee Nation on June 7, 1869, and approved by the President on June 9, 1869, in accordance with Article XV of the July 19, 1866, Treaty between the United States and the Cherokee Nation (14 Stat. 799).

(2) The Shawnee Tribe from and after its incorporation and its merger with the Cherokee Nation has continued to maintain the Shawnee Tribe's separate culture, language, religion, and organization, and a separate membership roll.

(3) The Shawnee Tribe and the Cherokee Nation have concluded that it is in the best interests of the Shawnee Tribe and the Cherokee Nation that the Shawnee Tribe be restored to its position as a separate federally recognized Indian tribe and all current and historical responsibilities, jurisdiction, and sovereignty as it relates to the Shawnee Tribe, the Cherokee-Shawnee people, and their properties everywhere, provided that civil and criminal jurisdiction over Shawnee individually owned restricted and trust lands, Shawnee tribal trust lands, dependent Indian communities, and all other forms of Indian country within the jurisdictional territory of the Cherokee Nation and located within the State of Oklahoma shall remain with the Cherokee Nation, unless consent is obtained by the Shawnee Tribe from the Cherokee Nation to assume all or any portion of such jurisdiction.

(4) On August 12, 1996, the Tribal Council of the Cherokee Nation unanimously adopted Resolution 96–09 supporting the termination by the Secretary of the Interior of the 1869 Agreement.

(5) On July 23, 1996, the Shawnee Tribal Business Committee concurred in such resolution.

(6) On March 13, 2000, a second resolution was adopted by the Tribal Council of the Cherokee Nation (Resolution 15–00) supporting the submission of this legislation to Congress for enactment.

SEC. 703. DEFINITIONS.

In this title:

(1) CHEROKEE NATION.—The term ''Cherokee Nation'' means the Cherokee Nation, with its headquarters located in Tahlequah, Oklahoma.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) TRIBE.—The term ''Tribe'' means the Shawnee Tribe, known also as the ''Loyal Shawnee'' or ''Cherokee Shawnee'', which was a party to the 1869 Agreement between the Cherokee Nation and the Shawnee Tribe of Indians.

(4) TRUST LAND.—The term ''trust land'' means land, the title to which is held by the United States in trust for the benefit of an Indian tribe or individual.

(5) RESTRICTED LAND.—The term ''restricted land'' means any land, the title to which is held in the name of an Indian or Indian tribe subject to restrictions by the United States against alienation.

SEC. 704. FEDERAL RECOGNITION, TRUST RELATIONSHIP, AND PROGRAM ELIGIBILITY.

(a) FEDERAL RECOGNITION.—The Federal recognition of the Tribe and the trust relationship between the United States and the Tribe are hereby reaffirmed. Except as otherwise provided in this title, the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501 et seq.) (commonly known as the ''Oklahoma Indian Welfare Act''), and all laws and rules of law of the United States of general application to Indians, Indian tribes, or Indian reservations which are not inconsistent with this title shall apply to the Tribe, and to its members and lands. The Tribe is hereby recognized as an independent tribal entity, separate from the Cherokee Nation or any other Indian tribe.

(b) PROGRAM ELIGIBILITY.—

(1) IN GENERAL.—Subject to the provisions of this subsection, the Tribe and its members are eligible for all special programs and services provided by the United States to Indians because of their status as Indians.

(2) CONTINUATION OF BENEFITS.—Except as provided in paragraph (3), the members of the Tribe who are residing on land recognized by the Secretary to be within the Cherokee Nation and eligible for Federal program services or benefits through the Cherokee Nation shall receive such services or benefits through the Cherokee Nation.

(3) ADMINISTRATION BY TRIBE.—The Tribe shall be eligible to apply for and administer the special programs and services provided by the United States to Indians because of their status as Indians, including such programs and services within land recognized by the Secretary to be within the Cherokee Nation, in accordance with applicable laws and regulations to the same extent that the Cherokee Nation is eligible to apply for and administer programs and services, but only—

(A) if the Cherokee Nation consents to the operation by the Tribe of federally funded programs and services;

(B) if the benefits of such programs or services are to be provided to members of the Tribe in areas recognized by the Secretary to be under the jurisdiction of the Tribe and outside of land recognized by the Secretary to be within the Cherokee Nation, so long as those members are not receiving such programs or services from another Indian tribe; or

(C) if under applicable provisions of Federal law, the Cherokee Nation is not eligible to apply for and administer such programs or services.

(4) DUPLICATION OF SERVICES NOT ALLOWED.—The Tribe shall not be eligible to apply for or administer any Federal programs or services on behalf of Indians recipients if such recipients are receiving or are eligible to receive the same federally funded programs or services from the Cherokee Nation.

(5) COOPERATIVE AGREEMENTS.—Nothing in this section shall restrict the Tribe and the Cherokee Nation from entering into cooperative agreements to provide such programs or services and such funding agreements shall be honored by Federal agencies, unless otherwise prohibited by law.

SEC. 705. ESTABLISHMENT OF A TRIBAL ROLL.

(a) APPROVAL OF BASE ROLL.—Not later than 180 days after the date of enactment of this Act, the Tribe shall submit to the Secretary for approval its base membership roll, which shall include only individuals who are not members of any other federally recognized Indian tribe or who have relinquished membership in such tribe and are eligible for membership under subsection (b).

(b) BASE ROLL ELIGIBILITY.—An individual is eligible for enrollment on the base membership roll of the Tribe if that individual—

(1) is on, or eligible to be on, the membership roll of Cherokee Shawnees maintained by the Tribe prior to the date of enactment of this Act which is separate from the membership roll of the Cherokee Nation; or

(2) is a lineal descendant of any person—

(A) who was issued a restricted fee patent to land pursuant to Article 2 of the Treaty of May 10, 1854, between the United States and the Tribe (10 Stat. 1053); or

(B) whose name was included on the 1871 Register of names of those members of the Tribe who moved to, and located in, the Cherokee Nation in Indian Territory pursuant to the Agreement entered into by and between the Tribe and the Cherokee Nation on June 7, 1869.

(c) FUTURE MEMBERSHIP.—Future membership in the Tribe shall be as determined under the eligibility requirements set out in subsection (b)(2) or under such future membership ordinance as the Tribe may adopt.

SEC. 706. ORGANIZATION OF THE TRIBE; TRIBAL CONSTITUTION.

(a) EXISTING CONSTITUTION AND GOVERNING BODY.—The existing constitution and bylaws of the Cherokee Shawnee and the officers and members of the Shawnee Tribal Business Committee, as constituted on the date of enactment of this Act, are hereby recognized respectively as the governing documents and governing body of the Tribe.

(b) CONSTITUTION.—Notwithstanding subsection (a), the Tribe shall have a right to reorganize its tribal government pursuant to section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503).

SEC. 707. TRIBAL LAND.

(a) LAND ACQUISITION.—

(1) IN GENERAL.—The Tribe shall be eligible to have land acquired in trust for its benefit pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465) and section 1 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501).

(2) CERTAIN LAND IN OKLAHOMA.—Notwithstanding any other provision of law but subject to subsection (b), if the Tribe transfers any land within the boundaries of the State of Oklahoma to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.

(b) RESTRICTION.—No land recognized by the Secretary to be within the Cherokee Nation or any other Indian tribe may be taken into trust for the benefit of the Tribe under this section without the consent of the Cherokee Nation or such other tribe, respectively.

SEC. 708. JURISDICTION.

(a) IN GENERAL.—The Tribe shall have jurisdiction over trust land and restricted land of the Tribe and its members to the same extent that the Cherokee Nation has jurisdiction over land recognized by the Secretary to be within the Cherokee Nation and its members, but only if such land—

(1) is not recognized by the Secretary to be within the jurisdiction of another federally recognized tribe; or

(2) has been placed in trust or restricted status with the consent of the federally recognized tribe within whose jurisdiction the Secretary recognizes the land to be, and only

to the extent that the Tribe's jurisdiction has been agreed to by that host tribe.

(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to diminish or otherwise limit the jurisdiction of any Indian tribe that is federally recognized on the day before the date of enactment of this Act over trust land, restricted land, or other forms of Indian country of that Indian tribe on such date.

SEC. 709. INDIVIDUAL INDIAN LAND.

Nothing in this title shall be construed to affect the restrictions against alienation of any individual Indian's land and those restrictions shall continue in force and effect.

SEC. 710. TREATIES NOT AFFECTED.

No provision of this title shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe referred to in this title is a party nor to any right secured to such a tribe or to any other tribe by any treaty.

TITLE VIII—TECHNICAL CORRECTIONS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Native American Laws Technical Corrections Act of 2000''.

Subtitle A—Miscellaneous Technical Provisions

SEC. 811. TECHNICAL CORRECTION TO AN ACT AFFECTING THE STATUS OF MISSISSIPPI CHOCTAW LANDS AND ADDING SUCH LANDS TO THE CHOCTAW RESERVATION.

Section 1(a)(2) of Public Law 106–228 (an Act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes) is amended by striking ''September 28, 1999'' and inserting ''February 7, 2000''.

SEC. 812. TECHNICAL CORRECTIONS CONCERNING THE FIVE CIVILIZED TRIBES OF OKLAHOMA.

(a) INDIAN SELF-DETERMINATION ACT.—Section 1(b)(15)(A) of the model agreement set forth in section 108(c) of the Indian Self-Determination Act (25 U.S.C. 450l(c)) is amended—

(1) by striking ''and section 16'' and inserting '', section 16''; and

(2) by striking ''shall not'' and inserting ''and the Act of July 3, 1952 (25 U.S.C. 82a), shall not''.

(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 403(h)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc(h)(2)) is amended—

(1) by striking ''and section'' and inserting ''section''; and

(2) by striking ''shall not'' and inserting ''and the Act of July 3, 1952 (25 U.S.C. 82a), shall not''.

(c) REPEALS.—The following provisions of law are repealed:

(1) Section 2106 of the Revised Statutes (25 U.S.C. 84).

(2) Sections 438 and 439 of title 18, United States Code.

SEC. 813. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE RED LAKE BAND OF CHIPPEWA INDIANS AND THE MINNESOTA CHIPPEWA TRIBES.

(a) RED LAKE BAND OF CHIPPEWA INDIANS.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Red Lake Band of Chippewa Indians under the authority of Public Law 88–168 (77 Stat. 301), and relating to Red Lake Band v. United States (United States Court of Federal Claims Docket Nos. 189 A, B, C), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Red Lake Band of Chippewa Indians from any liability associated with such loans.

(b) MINNESOTA CHIPPEWA TRIBE.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Minnesota Chippewa Tribe under the authority of Public Law 88–168 (77 Stat. 301), and relating to Minnesota Chippewa Tribe v. United States (United States Court of Federal Claims Docket Nos. 19 and 188), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Minnesota Chippewa Tribe from any liability associated with such loans.

SEC. 814. TECHNICAL AMENDMENT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PROTECTION ACT.

Section 408(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207(b)) is amended—

(1) by striking ''any offense'' and inserting ''any felonious offense, or any of 2 of more misdemeanor offenses,''; and

(2) by striking ''or crimes against persons'' and inserting ''crimes against persons; or offenses committed against children''.

SEC. 815. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN HEALTH CARE IMPROVEMENT ACT.

The authorization of appropriations for, and the duration of, each program or activity under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is extended through fiscal year 2001.

SEC. 816. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

The authorization of appropriations for, and the duration of, each program or activity under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is extended through fiscal year 2001.

SEC. 817. MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

(a) AUTHORITY.—Section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)) is amended by inserting before the semicolon at the end the following: '', by conducting management and leadership training of Native Americans, Alaska Natives, and others involved in tribal leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities.''.

(b) ADMINISTRATIVE PROVISIONS.—Section 12(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608(b)) is amended by inserting before the period at the end the following: ''and to the activities of the Foundation under section 6(7)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by adding at the end the following:

''(c) TRAINING OF PROFESSIONALS IN HEALTH CARE AND PUBLIC POLICY.—There is authorized to be appropriated to carry out section 6(7) $12,300,000 for the 5-fiscal year period beginning with the fiscal year in which this subsection is enacted.''.

SEC. 818. TECHNICAL AMENDMENT REGARDING THE TREATMENT OF CERTAIN INCOME FOR PURPOSES OF FEDERAL ASSISTANCE.

Section 7 of the Act of October 19, 1973 (25 U.S.C. 1407) is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by adding ''or'' at the end; and

(3) by inserting after paragraph (3), the following:

''(4) are paid by the State of Minnesota to the Bois Forte Band of Chippewa Indians pursuant to the agreements of such Band to voluntarily restrict tribal rights to hunt and fish in territory cede under the Treaty of September 30, 1854 (10 Stat. 1109), including all interest accrued on such funds during any period in which such funds are held in a minor's trust,''.

SEC. 819. LAND TO BE TAKEN INTO TRUST.

Notwithstanding any other provision of law, the Secretary of the Interior shall accept for the benefit of the Lytton Rancheria of California the land described in that certain grant deed dated and recorded on October 16, 2000, in the official records of the County of Contra Costa, California, Deed Instrument Number 2000–229754. The Secretary shall declare that such land is held in trust by the United States for the benefit of the Rancheria and that such land is part of the reservation of such Rancheria under sections 5 and 7 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 467). Such land shall be deemed to have been held in trust and part of the reservation of the Rancheria prior to October 17, 1988.

Subtitle B—Santa Fe Indian School

SEC. 821. SHORT TITLE.

This subtitle may be cited as the ''Santa Fe Indian School Act''.

SEC. 822. DEFINITIONS.

In this subtitle:

(1) 19 PUEBLOS.—The term ''19 Pueblos'' means the Indian pueblos of Acoma, Cochiti Isleta, Jemen, Laguna, Nambe, Picuris, Pojoaque, San Felipe, San Ildefonso, San Juan, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni.

(2) SANTA FE INDIAN SCHOOL, INC.—The term ''Santa Fe Indian School, Inc.'' means a corporation chartered under laws of the State of New Mexico.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 823. TRANSFER OF CERTAIN LANDS FOR USE AS THE SANTA FE INDIAN SCHOOL.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land, including improvements and appurtenances thereto, described in subsection (b) are declared to be held in trust for the benefit of the 19 Pueblos of New Mexico.

(b) LAND.—

(1) IN GENERAL.—The land described in this subsection is the tract of land, located in the city and county of Santa Fe, New Mexico, upon which the Santa Fe Indian School is located and more particularly described as all that certain real property, excluding the tracts described in paragraph (2), as shown in the United Sates General Land Office Plat of the United States Indian School Tract dated March 19, 1937, and recorded at Book 363, Page 024, Office of the Clerk, Santa Fe County, New Mexico, containing a total acreage of 131.43 acres, more or less.

(2) EXCLUSIONS.—The excluded tracts described in this paragraph are all portions of any tracts heretofore conveyed by the deeds recorded in the Office of the Clerk, Santa Fe County, New Mexico, at—

(A) Book 114, Page 106, containing 0.518 acres, more or less;

(B) Book 122, Page 45, containing 0.238 acres, more or less;

(C) Book 123, Page 228, containing 14.95, more or less; and

(D) Book 130, Page 84, containing 0.227 acres, more or less;

leaving, as the net acreage to be included in the land described in paragraph (1) and taken into trust pursuant to subsection (a), a tract containing 115.5 acres, more or less.

(c) LIMITATIONS AND CONDITIONS.—The land taken into trust pursuant to subsection (a) shall remain subject to—

(1) any existing encumbrances, rights of way, restrictions, or easements of record;

(2) the right of the Indian Health Service to continue use and occupancy of 10.23 acres of such land which are currently occupied by the Santa Fe Indian Hospital and its parking facilities as more fully described as Parcel ''A'' in legal description No. Pd–K–51–06–01 and recorded as Document No. 059–3–778, Bureau of Indian Affairs Land Title & Records Office, Albuquerque, New Mexico; and

(3) the right of the United States to use, without cost, additional portions of land transferred pursuant to this section, which are contiguous to the land described in paragraph (2), for purposes of the Indian Health Service.

SEC. 824. LAND USE.

(a) LIMITATION FOR EDUCATIONAL AND CULTURAL PURPOSES.—The land taken into trust under section 823(a) shall be used solely for the educational, health, or cultural purposes of the Santa Fe Indian School, including use for related non-profit or technical programs, as operated by Santa Fe Indian School, Inc. on the date of enactment of this Act.

(b) REVERSION.—

(1) IN GENERAL.—If the Secretary determines that the land taken into trust under section 823(a) is not being used as required under subsection (a), the Secretary shall provide appropriate notice to the 19 Pueblos of such noncompliance and require the 19 Pueblos to comply with the requirements of this subtitle.

(2) CONTINUED FAILURE TO COMPLY.—If the Secretary, after providing notice under paragraph (1) and after the expiration of a reasonable period of time, determines that the noncompliance that was the subject of the notice has not been corrected, the land shall revert to the United States.

(c) APPLICABILITY OF LAWS.—Except as otherwise provided in this subtitle, the land taken into trust under section 823(a) shall be subject to the laws of the United States relating to Indian lands.

(d) GAMING.—Gaming, as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), shall be prohibited on the land taken into trust under subsection (a).

TITLE IX—CALIFORNIA INDIAN LAND TRANSFER

SEC. 901. SHORT TITLE.

This title may be cited as the ''California Indian Land Transfer Act''.

SEC. 902. LANDS HELD IN TRUST FOR VARIOUS TRIBES OF CALIFORNIA INDIANS.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in a paragraph of subsection (b) in connection with the respective tribe, band, or group of Indians named in such paragraph are hereby declared to be held in trust by the United States for the benefit of such tribe, band, or group. Real property taken into trust pursuant to this subsection shall not be considered to have been taken into trust for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

(b) LANDS DESCRIBED.—The lands described in this subsection, comprising approximately 3,525.8 acres, and the respective tribe, band, or group, are as follows:

(1) PIT RIVER TRIBE.—Lands to be held in trust for the Pit River Tribe are comprised of approximately 561.69 acres described as follows:

Mount Diablo Base and Meridian

Township 42 North, Range 13 East

Section 3:

S½ NW¼, NW¼ NW¼, 120 acres.

Township 43 North, Range 13 East

Section 1:

N½ NE¼, 80 acres,

Section 22:

SE¼ SE¼, 40 acres,

Section 25:

SE¼ NW¼, 40 acres,

Section 26:

SW¼ SE¼, 40 acres,

Section 27:

SE¼ NW¼, 40 acres,

Section 28:

NE¼ SW¼, 40 acres,

Section 32:

SE¼ SE¼, 40 acres,

Section 34:

SE¼ NW¼, 40 acres,

Township 44 North, Range 14 East,

Section 31:

S½ SW¼, 80 acres.

(2) FORT INDEPENDENCE COMMUNITY OF PAIUTE INDIANS.—Lands to be held in trust for the Fort Independence Community of Paiute Indians are comprised of approximately 200.06 acres described as follows:

Mount Diablo Base and Meridian

Township 13 South, Range 34 East

Section 1:

W½ of Lot 5 in the NE±¼, Lot 3, E½ of Lot 4, and E½ of Lot 5 in the NW¼.

(3) BARONA GROUP OF CAPITAN GRANDE BAND OF MISSION INDIANS.—Lands to be held in trust for the Barona Group of Capitan Grande Band of Mission Indians are comprised of approximately 5.03 acres described as follows:

San Bernardino Base and Meridian

Township 14 South, Range 2 East

Section 7, Lot 15.

(4) CUYAPAIPE BAND OF MISSION INDIANS.—Lands to be held in trust for the Cuyapaipe Band of Mission Indians are comprised of approximately 1,360 acres described as follows:

San Bernardino Base and Meridian

Township 15 South, Range 6 East

Section 21:

All of this section.

Section 31:

NE¼, N½SE¼, SE¼SE¼.

Section 32:

W½SW¼, NE¼SW¼, NW¼SE¼.

Section 33:

SE¼, SW¼SW¼, E½SW¼.

(5) MANZANITA BAND OF MISSION INDIANS.—Lands to be held in trust for the Manzanita Band of Mission Indians are comprised of approximately 1,000.78 acres described as follows:

San Bernardino Base and Meridian

Township 16 South, Range 6 East

Section 21:

Lots 1, 2, 3, and 4, S½.

Section 25:

Lots 2 and 5.

Section 28:

Lots, 1, 2, 3, and 4, N½SE¼.

(6) MORONGO BAND OF MISSION INDIANS.—Lands to be held in trust for the Morongo Band of Mission Indians are comprised of approximately 40 acres described as follows:

San Bernardino Base and Meridian

Township 3 South, Range 2 East

Section 20:

NW¼ of NE¼.

(7) PALA BAND OF MISSION INDIANS.—Lands to be held in trust for the Pala Band of Mission Indians are comprised of approximately 59.20 acres described as follows:

San Bernardino Base and Meridian

Township 9 South, Range 2 West

Section 13, Lot 1, and Section 14, Lots 1, 2, 3.

(8) FORT BIDWELL COMMUNITY OF PAIUTE INDIANS.—Lands to be held in trust for the Fort Bidwell Community of Paiute Indians are comprised of approximately 299.04 acres described as follows:

Mount Diablo Base and Meridian

Township 46 North, Range 16 East

Section 8:

SW¼SW¼.

Section 19:

Lots 5, 6, 7.

S½NE¼, SE¼NW¼, NE¼SE¼.

Section 20:

Lot 1.

SEC. 903. MISCELLANEOUS PROVISIONS.

(a) PROCEEDS FROM RENTS AND ROYALTIES TRANSFERRED TO INDIANS.—Amounts which accrue to the United States after the date of the enactment of this Act from sales, bonuses, royalties, and rentals relating to any land described in section 902 shall be available for use or obligation, in such manner and for such purposes as the Secretary may approve, by the tribe, band, or group of Indians for whose benefit such land is taken into trust.

(b) NOTICE OF CANCELLATION OF GRAZING PREFERENCES.—Grazing preferences on lands described in section 902 shall terminate 2 years after the date of the enactment of this Act.

(c) LAWS GOVERNING LANDS TO BE HELD IN TRUST.—

(1) IN GENERAL.—Any lands which are to be held in trust for the benefit of any tribe, band, or group of Indians pursuant to this Act shall be added to the existing reservation of the tribe, band, or group, and the official boundaries of the reservation shall be modified accordingly.

(2) APPLICABILITY OF LAWS OF THE UNITED STATES.—The lands referred to in paragraph (1) shall be subject to the laws of the United States relating to Indian land in the same manner and to the same extent as other lands held in trust for such tribe, band, or group on the day before the date of enactment of this Act.

TITLE X—NATIVE AMERICAN HOMEOWNERSHIP

SEC. 1001. LANDS TITLE REPORT COMMISSION.

(a) ESTABLISHMENT.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the ''Commission'') to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) Four members shall be appointed by the chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—

(A) MEMBERS OF TRIBES.—At all times, not less than 8 of the members of the Commission shall be members of federally recognized Indian tribes.

(B) EXPERIENCE IN LAND TITLE MATTERS.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) INITIAL MEETING.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) DUTIES.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) REPORT.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

(f) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, 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 Commission to assist it in carrying out its duties under this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) STAFF.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $500,000. Such sums shall remain available until expended.

(h) TERMINATION.—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 1002. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year.''; and

(2) in paragraph (7), by striking ''each of fiscal years 1997, 1998, 1999, 2000, and 2001'' and inserting ''each fiscal year''.

SEC. 1003. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) RESTRICTION ON WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking ''if the Secretary'' and all that follows through the period at the end and inserting the following: ''for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.''.

(2) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: ''The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).''.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

''(6) CERTAIN FAMILIES.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.''.

(c) ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) ENVIRONMENTAL COMPLIANCE.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

''(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

''(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

''(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

''(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

''(4) may be corrected through the sole action of the recipient.''.

(e) ELIGIBILITY OF LAW ENFORCEMENT OFFICERS FOR HOUSING ASSISTANCE.—Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) LAW ENFORCEMENT OFFICERS.—A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a law enforcement officer on an Indian reservation or other Indian area, if—

''(A) the officer—

''(i) is employed on a full-time basis by the Federal Government or a State, county, or lawfully recognized tribal government; and

''(ii) in implementing such full-time employment, is sworn to uphold, and make arrests for, violations of Federal, State, county, or tribal law; and

''(B) the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.''.

(f) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

''SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

''If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).''.

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

''SEC. 405. REVIEW AND AUDIT BY SECRETARY.

''(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

''(b) ADDITIONAL REVIEWS AND AUDITS.—

''(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

''(A) determine whether the recipient—

''(i) has carried out—

''(I) eligible activities in a timely manner; and

''(II) eligible activities and certification in accordance with this Act and other applicable law;

''(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

''(iii) is in compliance with the Indian housing plan of the recipient; and

''(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

''(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

''(c) REVIEW OF REPORTS.—

''(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

''(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

''(A) may revise the report; and

''(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

''(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.''.

(g) ALLOCATION FORMULA.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking ''The formula,'' and inserting the following:

''(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula''; and

(2) by adding at the end the following:

''(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437*l*) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.''.

(h) HEARING REQUIREMENT.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking ''Except as provided'' and inserting the following:

''(1) IN GENERAL.—Except as provided'';

(3) by striking ''If the Secretary takes an action under paragraph (1), (2), or (3)'' and inserting the following:

''(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)''; and

(4) by adding at the end the following:

''(3) EXCEPTION FOR CERTAIN ACTIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

''(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

''(i) provide notice to the recipient at the time that the Secretary takes that action; and

''(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

''(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.''.

(i) PERFORMANCE AGREEMENT TIME LIMIT.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary'';

(2) by striking ''(1) is not'' and inserting the following:

''(A) is not'';

(3) by striking ''(2) is a result'' and inserting the following:

''(B) is a result'';

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: '', if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement''; and

(5) by adding at the end the following:

''(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

''(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

''(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

''(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

''(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).''.

(j) LABOR STANDARDS.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b) is amended—

(1) in paragraph (1), by striking ''Davis-Bacon Act (40 U.S.C. 276a–276a–5)'' and inserting ''Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)''; and

(2) by adding at the end the following new paragraph:

''(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.''.

(k) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

''209. Noncompliance with affordable housing requirement.''.

(2) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: ''Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).''.

TITLE XI—INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000''.

SEC. 1102. FINDINGS, PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

(C) assisted in transitioning tribal members from welfare to work; and

(D) otherwise demonstrated the value of integrating employment, training, education and related services.

(E) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization; and

(F) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

(i) the Department of the Interior; or

(ii) other Federal agencies that administer programs covered by the Indian Employment, Training, and Related Services Demonstration Act of 1992.

(b) PURPOSES.—The purposes of this title are to demonstrate how Indian tribal governments can integrate the employment, training, and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance.

SEC. 1103. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

''(1) FEDERAL AGENCY.—The term 'federal agency' has the same meaning given the term 'agency' in section 551(1) of title 5, United States Code.''.

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking ''job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training'' and inserting the following: ''assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities''.

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking ''Federal department'' and inserting ''Federal agency'';

(2) by striking ''Federal departmental'' and inserting ''Federal agency'';

(3) by striking ''department'' each place it appears and inserting ''agency''; and

(4) in the third sentence, by inserting ''statutory requirement,'', after ''to waive any''.

(d) PLAN APPROVAL.—Section 8 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following; '', including any request for a waiver that is made as part of the plan submitted by the tribal government''; and

(2) in the second sentence, by inserting before the period at the end the following: '', including reconsidering the disapproval of any waiver requested by the Indian tribe''.

(e) JOB CREATION ACTIVITIES AUTHORIZED.—Section 9 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The plan submitted''; and

(2) by adding at the end the following:

''(b) JOB CREATION OPPORTUNITIES.—

''(1) IN GENERAL.—Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 10.

''(2) DETERMINATION OF PERCENTAGE.—The percentage of funds that a tribal government may use under this subsection is the greater of—

''(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

''(B) 10 percent.

''(c) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.''.

SEC. 1104. REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.

Not later than one year after the date of enactment of this title, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this title shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource development and economic development programs under this title, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development assistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration.

TITLE XII—NAVAJO NATION TRUST LAND LEASING

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Navajo Nation Trust Land Leasing Act of 2000''.

SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo Nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that ''The Congress shall have Power . . to regulate Commerce . . with Indian tribes'', and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo Nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior of the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(c) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) NAVAJO NATION.—The term ''Navajo Nation'' means the Navajo Nation government that is in existence on the date of enactment of this Act.

(3) TRIBAL REGULATIONS.—The term ''tribal regulations'' means the Navajo Nation regulations as enacted by the Navajo Nation Council or its standing committees and approved by the Secretary.

SEC. 1203. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the term 'individually owned Navajo Indian allotted lands' means Navajo Indian allotted land that is owned by 1 or more individuals located within the Navajo Nation;

''(4) the term 'Navajo Nation' means the Navajo Nation government that is in existence on the date of enactment of this Act;

''(5) the term 'Secretary' means the Secretary of the Interior; and

''(6) the term 'tribal regulations' means the Navajo Nation regulations as enacted by the Navajo Nation Council or its standing committees and approved by the Secretary.''; and

(2) by adding at the end the following:

''(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the term of the lease does not exceed 75 years (including options to renew), and the lease is executed under tribal regulations that are approved by the Secretary under this subsection.

''(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land located within the Navajo Nation.

''(3) The Secretary shall have the authority to approve or disapprove tribal regulations required under paragraph (1). The Secretary shall not have approval authority over individual leases of Navajo trust lands, except for the exploration, development, or extraction of any mineral resources. The Secretary shall perform the duties of the Secretary under this subsection in the best interest of the Navajo Nation.

''(4) If the Navajo Nation has executed a lease pursuant to tribal regulations required

under paragraph (1), the United states shall not be liable for losses sustained by any party to such lease, including the Navajo Nation, except that—

''(A) the Secretary shall continue to have a trust obligation to ensure that the rights of the Navajo Nation are protected in the event of a violation of the terms of any lease by any other party to such lease, including the right to cancel the lease if requested by the Navajo Nation; and

''(B) nothing in this subsection shall be construed to absolve the United States from any responsibility to the Navajo Nation, including responsibilities that derive from the trust relationship and from any treaties, Executive orders, or agreements between the United States and the Navajo Nation, except as otherwise specifically provided in this subsection.''.

TITLE XIII—AMERICAN INDIAN EDUCATION FOUNDATION

SEC. 1301. SHORT TITLE.

This title may be cited as the ''American Indian Education Foundation Act of 2000''.

SEC. 1302. ESTABLISHMENT OF AMERICAN INDIAN EDUCATION FOUNDATION.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

''TITLE V—AMERICAN INDIAN EDUCATION FOUNDATION

''SEC. 501. AMERICAN INDIAN EDUCATION FOUNDATION.

''(a) IN GENERAL.—As soon as practicable after the date of the enactment of this title, the Secretary of the Interior shall establish, under the laws of the District of Columbia and in accordance with this title, the American Indian Education Foundation.

''(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the Foundation shall have perpetual existence.

''(c) NATURE OF CORPORATION.—The Foundation shall be a charitable and nonprofit federally chartered corporation and shall not be an agency or instrumentality of the United States.

''(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

''(e) PURPOSES.—The purposes of the Foundation shall be—

''(1) to encourage, accept, and administer private gifts of real and personal property or any income therefrom or other interest therein for the benefit of, or in support of, the mission of the Office of Indian Education Programs of the Bureau of Indian Affairs (or its successor office);

''(2) to undertake and conduct such other activities as will further the educational opportunities of American Indians who attend a Bureau funded school; and

''(3) to participate with, and otherwise assist, Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the educational opportunities of American Indians attending Bureau funded schools.

''(f) BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation. The Board may exercise, or provide for the exercise of, the powers of the Foundation.

''(2) SELECTION.—The number of members of the Board, the manner of their selection (including the filling of vacancies), and their terms of office shall be as provided in the constitution and bylaws of the Foundation. However, the Board shall have at least 11 members, 2 of whom shall be the Secretary and the Assistant Secretary of the Interior for Indian Affairs, who shall serve as ex officio nonvoting members, and the initial voting members of the Board shall be appointed by the Secretary not later than 6 months after the date that the Foundation is established and shall have staggered terms (as determined by the Secretary).

''(3) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in American Indian education and shall, to the extent practicable, represent diverse points of view relating to the education of American Indians.

''(4) COMPENSATION.—Members of the Board shall not receive compensation for their services as members, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Foundation.

''(g) OFFICERS.—

''(1) IN GENERAL.—The officers of the Foundation shall be a secretary, elected from among the members of the Board, and any other officers provided for in the constitution and bylaws of the Foundation.

''(2) SECRETARY OF FOUNDATION.—The secretary shall serve, at the direction of the Board, as its chief operating officer and shall be knowledgeable and experienced in matters relating to education in general and education of American Indians in particular.

''(3) ELECTION.—The manner of election, term of office, and duties of the officers shall be as provided in the constitution and bylaws of the Foundation.

''(h) POWERS.—The Foundation—

''(1) shall adopt a constitution and bylaws for the management of its property and the regulation of its affairs, which may be amended;

''(2) may adopt and alter a corporate seal;

''(3) may make contracts, subject to the limitations of this Act;

''(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

''(5) may sue and be sued; and

''(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

''(i) PRINCIPAL OFFICE.—The principal office of the Foundation shall be in the District of Columbia. However, the activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

''(j) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which it is incorporated and of each State in which the Foundation carries on activities.

''(k) LIABILITY OF OFFICERS AND AGENTS.—The Foundation shall be liable for the acts of its officers and agents acting within the scope of their authority. Members of the Board are personally liable only for gross negligence in the performance of their duties.

''(l) RESTRICTIONS.—

''(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation may not exceed 10 percent of the sum of—

''(A) the amounts transferred to the Foundation under subsection (m) during the preceding fiscal year; and

''(B) donations received from private sources during the preceding fiscal year.

''(2) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

''(3) STATUS.—Members of the Board, and the officers, employees, and agents of the Foundation are not, by reason of their association with the Foundation, officers, employees, or agents of the United States.

''(m) TRANSFER OF DONATED FUNDS.—The Secretary may transfer to the Foundation funds held by the Department of the Interior under the Act of February 14, 1931 (25 U.S.C. 451), if the transfer or use of such funds is not prohibited by any term under which the funds were donated.

''(n) AUDITS.—The Foundation shall comply with the audit requirements set forth in section 10101 of title 36, United States Code, as if it were a corporation in part B of subtitle II of that title.

''SEC. 502. ADMINISTRATIVE SERVICES AND SUPPORT.

''(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date that the Foundation is established, the Secretary—

''(1) may provide personnel, facilities, and other administrative support services to the Foundation;

''(2) may provide funds to reimburse the travel expenses of the members of the Board under section 501; and

''(3) shall require and accept reimbursements from the Foundation for any—

''(A) services provided under paragraph (1); and

''(B) funds provided under paragraph (2).

''(b) REIMBURSEMENTT.—Reimbursements accepted under subsection (a)(3) shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing services described in subsection (a)(1) and the travel expenses described in subsection (a)(2).

''(c) CONTINUATION OF CERTAIN SERVICES.—Notwithstanding any other provision of this section, the Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a), on a space available, reimbursable cost basis.

''SEC. 503. DEFINITIONS.

''For the purposes of this title—

''(1) the term 'Bureau funded school' has the meaning given that term in title XI of the Education Amendments of 1978;

''(2) the term 'Foundation' means the Foundation established by the Secretary pursuant to section 501; and

''(3) the term 'Secretary' means the Secretary of the Interior.''.

TITLE XIV—GRATON RANCHERIA RESTORATION

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Graton Rancheria Restoration Act''.

SEC. 1402. FINDINGS.

The Congress finds that in their 1997 Report to Congress, the Advisory Council on California Indian Policy specifically recommended the immediate legislative restoration of the Graton Rancheria.

SEC. 1403. DEFINITIONS.

For purposes of this title:

(1) The term ''Tribe'' means the Indians of the Graton Rancheria of California.

(2) The term ''Secretary'' means the Secretary of the Interior.

(3) The term ''Interim Tribal Council'' means the governing body of the Tribe specified in section 1407.

(4) The term ''member'' means an individual who meets the membership criteria under section 1406(b).

(5) The term ''State'' means the State of California.

(6) The term ''reservation'' means those lands acquired and held in trust by the Secretary for the benefit of the Tribe.

(7) The term ''service area'' means the counties of Marin and Sonoma, in the State of California.

SEC. 1404. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) FEDERAL RECOGNITION.—Federal recognition is hereby restored to the Tribe. Except as otherwise provided in this title, all laws and regulations of general application to Indians and nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this title shall be applicable to the Tribe and its members.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85–671; 72 Stat. 619), are hereby restored, and the provisions of such Act shall be inapplicable to the Tribe and its members after the date of the enactment of this Act.

(c) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—Without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of the enactment of this Act for all Federal services and benefits furnished to federally recognized Indian tribes or their members. For the purposes of Federal services and benefits available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

(2) RELATION TO OTHER LAWS.—The eligibility for or receipt of services and benefits under paragraph (1) by a tribe or individual shall not be considered as income, resources, or otherwise when determining the eligibility for or computation of any payment or other benefit to such tribe, individual, or household under—

(A) any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act; or

(B) any other benefit to which such tribe, household, or individual would otherwise be entitled under any Federal or federally assisted program.

(d) HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.—Nothing in this title shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

(e) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this title, nothing in this title shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 1405. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN IN TRUST.—Upon application by the Tribe, the Secretary shall accept into trust for the benefit of the Tribe any real property located in Marin or Sonoma County, California, for the benefit of the Tribe after the property is conveyed or otherwise transferred to the Secretary and if, at the time of such conveyance or transfer, there are no adverse legal claims to such property, including outstanding liens, mortgages, or taxes.

(b) FORMER TRUST LANDS OF THE GRATON RANCHERIA.—Subject to the conditions specified in this section, real property eligible for trust status under this section shall include Indian owned fee land held by persons listed as distributees or dependent members in the distribution plan approved by the Secretary on September 17, 1959, or such distributees' or dependent members' Indian heirs or successors in interest.

(c) LANDS TO BE PART OF RESERVATION.—Any real property taken into trust for the benefit of the Tribe pursuant to this title shall be part of the Tribe's reservation.

(d) LANDS TO BE NONTAXABLE.—Any real property taken into trust for the benefit of the Tribe pursuant to this section shall be exempt from all local, State, and Federal taxation as of the date that such land is transferred to the Secretary.

SEC. 1406. MEMBERSHIP ROLLS.

(a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) CRITERIA FOR MEMBERSHIP.—

(1) Until a tribal constitution is adopted under section 1408, an individual shall be placed on the Graton membership roll if such individual is living, is not an enrolled member of another federally recognized Indian tribe, and if—

(A) such individual's name was listed on the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary on September 17, 1959, under Public Law 85–671;

(B) such individual was not listed on the Graton Indian Rancheria distribution list, but met the requirements that had to be met to be listed on the Graton Indian Rancheria distribution list;

(C) such individual is identified as an Indian from the Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, in documents prepared by or at the direction of the Bureau of Indian Affairs, or in any other public or California mission records; or

(D) such individual is a lineal descendant of an individual, living or dead, identified in subparagraph (A), (B), or (C).

(2) After adoption of a tribal constitution under section 1408, such tribal constitution shall govern membership in the Tribe.

(c) CONCLUSIVE PROOF OF GRATON INDIAN ANCESTRY.—For the purpose of subsection (b), the Secretary shall accept any available evidence establishing Graton Indian ancestry. The Secretary shall accept as conclusive evidence of Graton Indian ancestry information contained in the census of the Indians from the Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, prepared by or at the direction of Special Indian Agent John J. Terrell in any other roll or census of Graton Indians prepared by or at the direction of the Bureau of Indian Affairs and in the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary on September 17, 1959.

SEC. 1407. INTERIM GOVERNMENT.

Until the Tribe ratifies a final constitution consistent with section 1408, the Tribe's governing body shall be an Interim Tribal Council. The initial membership of the Interim Tribal Council shall consist of the members serving on the date of the enactment of this Act, who have been elected under the tribal constitution adopted May 3, 1997. The Interim Tribal Council shall continue to operate in the manner prescribed under such tribal constitution. Any vacancy on the Interim Tribal Council shall be filled by individuals who meet the membership criteria set forth in section 1406(b) and who are elected in the same manner as are Tribal Council members under the tribal constitution adopted May 3, 1997.

SEC. 1408. TRIBAL CONSTITUTION.

(a) ELECTION; TIME; PROCEDURE.—After the compilation of the tribal membership roll under section 1406(a), upon the written request of the Interim Tribal Council, the Secretary shall conduct, by secret ballot, an election for the purpose of ratifying a final constitution for the Tribe. The election shall be held consistent with sections 16(c)(1) and 16(c)(2)(A) of the Act of June 18, 1934 (commonly known as the Indian Reorganization Act; 25 U.S.C. 476(c)(1) and 476(c)(2)(A), respectively). Absentee voting shall be permitted regardless of voter residence.

(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—Not later than 120 days after the Tribe ratifies a final constitution under subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted consistent with the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

TITLE XV—CEMETERY SITES AND HISTORICAL PLACES

SEC. 1501. FINDINGS; DEFINITIONS.

(a) FINDINGS.—The Congress finds the following:

(1) Pursuant to section 14(h)(1) of ANCSA, the Secretary has the authority to withdraw and convey to the appropriate regional corporation fee title to existing cemetery sites and historical places.

(2) Pursuant to section 14(h)(7) of ANCSA, lands located within a National Forest may be conveyed for the purposes set forth in section 14(h)(1) of ANCSA.

(3) Chugach Alaska Corporation, the Alaska Native Regional Corporation for the Chugach Region, applied to the Secretary for the conveyance of cemetery sites and historical places pursuant to section 14(h)(1) of ANCSA in accordance with the regulations promulgated by the Secretary.

(4) Among the applications filed were applications for historical places at Miners Lake (AA–41487), Coghill Point (AA–41488), College Fjord (AA–41489), Point Pakenham (AA–41490), College Point (AA–41491), Egg Island (AA–41492), and Wingham Island (AA–41494), which applications were substantively processed for 13 years and then rejected as having been untimely filed.

(5) The fulfillment of the intent, purpose, and promise of ANCSA requires that applications substantively processed for 13 years should be accepted as timely, subject only to a determination that such lands and applications meet the eligibility criteria for historical places or cemetery sites, as appropriate, set forth in the Secretary's regulations.

(b) DEFINITIONS.—For the purposes of this title, the following definitions apply:

(1) ANCSA.—The term ''ANCSA'' means the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.).

(2) FEDERAL GOVERNMENT.—The term ''Federal Government'' means any Federal agency of the United States.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 1502. WITHDRAWAL OF LANDS.

Notwithstanding any other provision of law, the Secretary shall withdraw from all forms of appropriation all public lands described in the applications identified in section 1501(a)(4) of this title.

SEC. 1503. APPLICATION FOR CONVEYANCE OF WITHDRAWN LANDS.

With respect to lands withdrawn pursuant to section 1502 of this title, the applications identified in section 1501(a)(4) of this title are deemed to have been timely filed. In processing these applications on the merits, the Secretary shall incorporate and use any work done on these applications during the processing of these applications since 1980.

SEC. 1504. AMENDMENTS.

Chugach Alaska Corporation may amend any application under section 1503 of this title in accordance with the rules and regulations generally applicable to amending applications under section 14(h)(1) of ANCSA.

SEC. 1505. PROCEDURE FOR EVALUATING APPLICATIONS.

All applications under section 1503 of this title shall be evaluated in accordance with the criteria and procedures set forth in the regulations promulgated by the Secretary as of the date of the enactment of this title. To the extent that such criteria and procedures conflict with any provision of this title, the provisions of this title shall control.

SEC. 1506. APPLICABILITY.

(a) EFFECT ON ANCSA PROVISIONS.—Notwithstanding any other provision of law or of this title, any conveyance of land to Chugach Alaska Corporation pursuant to this title shall be charged to and deducted from the entitlement of Chugach Alaska Corporation under section 14(h)(8)(A) of ANCSA (43 U.S.C. 1613(h)(8)(A)), and no conveyance made pursuant to this title shall affect the distribution of lands to or the entitlement to land of any Regional Corporation other than Chugach Alaska Corporation under section 14(h)(8) of ANCSA (43 U.S.C. 1613(h)(8)).

(b) NO ENLARGEMENT OF ENTITLEMENT.—Nothing herein shall be deemed to enlarge Chugach Alaska Corporation's entitlement to subsurface estate under otherwise applicable law.

The SPEAKER pro tempore (Mr. MCHUGH). Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5528, the Omnibus Indian Advancement Act. In addition to legislation to provide a suitable facility to house the Sioux Nation Tribal Supreme Court, this omnibus bill contains some very important bills, including H.R. 2820, the Salt River Pima-Maricopa Indian Community Irrigation Works Bill; H.R. 4725, the Zuni Land Conservation Act Amendments; S. 3031, the Senate's Indian technical corrections bill; S. 614, the Indian Employment Training Act; S. 2665, the Navajo Nation Trust Land Leasing Act; H.R. 3080, the American Indian Education Foundation Act; S. 3019, the Shawnee Tribe Status Act of 2000; and S. 400, the Native American Homeownership Act.

Many of these bills have already been passed by either this House or the other body. It is my understanding that the minority has cleared this bill and this package has even been cleared with the other body. I urge my colleagues to support this very important bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania has explained the legislation quite accurately. As he has pointed out, most of these pieces of legislation have passed out of the House or the Senate. We have worked out a compromise with the majority as well as with the Senate, and I urge my colleagues to support this package.

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

Mr. SHERWOOD. Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me this time.

The bill I introduced, H.R. 5528, the Wakpa Sica Reconciliation Place Act, would provide an authorization of $18,258,441 for construction of the Wakpa Sica Reconciliation Place near Fort Pierre, South Dakota. The building would house the Sioux Nation Tribal Supreme Court and Historical Archive and Display Center pertaining to the Sioux Nation, mediation and alternative dispute resolution facilities, and a Sioux Nation Economic Development Center.

Mr. Speaker, at the suggestion of Tim Giago, publisher of Lakota Times, Governor George Mickelson, the late governor, in 1989 launched what he called the Year of Reconciliation. Governor Mickelson, through the Year of Reconciliation, called upon the State's American Indians and non-Indians to look past differences and to focus on issues where there could be agreement. The dialogue the Year of Reconciliation then led to an extension from a year to a century of reconciliation in 1991.

The century of reconciliation was more than good feelings and nice words. Governor Mickelson was committed to producing tangible results, including an Indian rural health care initiative and programs fostering business development on the reservations.

Still, one major issue that impacts economic development significantly has yet to be resolved. That is the issue of civil and criminal legal jurisdiction. This has long been a thorny issue between the tribes and State and Federal governments. The Sioux Nation Tribal Supreme Court, based out of the Wakpa Sica Reconciliation Place, would provide a venue for tribal and nontribal interests to appeal the decisions of individual tribal courts. Today, there are too many uncertainties associated with investments on reservations. These uncertainties have led businesses and investors to look past Indian country when it comes to establishing a business or making investments.

The Sioux Nation Tribal Supreme Court would act as a Court of Appeals for legal decisions resulting from actions occurring within the jurisdiction of one of the 11 tribes of the Sioux Nation. The bill would not alter criminal or civil jurisdictions in any way. The center that would house the Supreme Court would also contain legal resources, such as a library and law clerks. Information, knowledge and expertise then would be available to the tribes in drafting of ordinances and making legal decisions, ultimately bringing uniformity and consistency to the legal systems for each of the tribes.

Mr. Speaker, I would like to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, and the House majority leadership for their cooperation in bringing this bill to the floor as we approach adjournment. I would also like to thank the tribal and local interests, including Bill Fischer, Lower Brule Sioux Tribe chairman, Michael Jandreau, and Clarence Skye for their tireless efforts and so many others in South Dakota who have helped to make this bill a reality.

Again, I ask my colleagues to vote in support of the bill.

Mr. Speaker, today I rise and ask for the House to support the bill before us, H.R. 5528.

The bill I introduced, H.R. 5528, the Wakpa Sica Reconciliation Place Act, would provide an authorization of $18,258,441 for construction of the Wakpa Sica Reconciliation Place near Fort Pierre, South Dakota. The building would house the Sioux Nation Tribal Supreme Court, an historical archive and display center pertaining to the Sioux Nation, mediation and alternative dispute resolution facilities, and a Sioux Nation economic development center.

The concept for the center is the product of a number of dedicated citizens, both American Indians and non-Indians, in South Dakota. The members of the Wakpa Sica Historical Society have worked for over a decade to develop this center with each of the 11 tribes of the Sioux Nation, local governments, chambers of commerce, state organizations, South Dakota Governor William Janklow, and the South Dakota congressional delegation.

The history of the Sioux Nation, which includes the Dakota, Lakota, and Nakota Sioux, and the State of South Dakota is one that is probably best described as a work in progress. As my colleagues may know, the interactions between the various tribes and non-Indians have at too many points been marred by mistrust, misunderstanding, and mistakes. The tribes and the people of the state have attempted to bridge the cultural differences over the years. Perhaps the most memorable and most successful was an effort spearheaded by the late Governor George S. Mickelson in 1989.

At the suggestion of Tim Giago, publisher of the Lakota Times, Governor Mickelson launched what he called the Year of Reconciliation. Governor Mickelson through the Year of Reconciliation called upon the state's American Indians and non-Indians to look past differences and to focus on issues where there could be agreement. The dialogue the Year of Reconciliation then led to an extension from a year to a Century of Reconciliation in 1991.

The Century of Reconciliation was more than good feelings and nice words. Governor Mickelson was committed to producing tangible results, including an Indian rural health care initiative and programs fostering business development on the reservations.

Still one major issue that impacts economic development significantly has yet to be resolved. That is the issue of civil and criminal legal jurisdiction. This has long been a thorny issue between the tribes and the state and federal governments.

The Sioux Nation Tribal Supreme Court based out of the Wakpa Sica Reconciliation Place would provide a venue for tribal and non-tribal interests to appeal decisions of individual tribal courts.

For purposes of this Act, the Sioux Nation would be defined as the Cheyenne River

Sioux Tribe, the Crow Creek Sioux Tribe, the Flandreau Santee Sioux Tribe, the Lower Brule Sioux Tribe, the Oglala Sioux Tribe, the Rosebud Sioux Tribe, the Santee Sioux Tribe, the Sisseton-Wahpeton Sioux Tribe, the Spirit Lake Sioux Tribe, the Standing Rock Sioux Tribe, and the Yankton Sioux Tribe.

Today, there are too many uncertainties associated with investments on reservations. These uncertainties have led businesses and investors to look past Indian Country when it comes to establishing a business or making investments.

The Sioux Nation Tribal Supreme Court would act as a court of appeals for legal decisions resulting from actions occurring within the jurisdiction of one of the 11 tribes of the Sioux Nation. The bill would not alter criminal or civil jurisdictions in any way. The center that would house the Supreme Court would also contain legal resources, such as a library and law clerks. Information, knowledge, and expertise then would be available to the tribes in drafting of ordinances and making legal decisions, ultimately bringing uniformity and consistency to the legal systems for each of the tribes.

The bill also would provide a repository for archival information for tribal descendents and artifacts as well as an interpretative center of relations between American Indians and non-Indians. The site chosen is one of significance. It borders the original site of a trading fort, Fort Pierre, that was a center for commerce and trade between Indians and non-Indians. It also would be located at a setting near some of the Sioux Tribe's first encounters with the Lewis and Clark Corps of Discovery.

Another important component of the bill concerns Title II. Title II of the bill would authorize a General Accounting Office (GAO) review of existing tribal economic development, job creation, entrepreneurship, and business development programs. Title II has been modified from a previous version I had drafted for consideration. A draft version of the bill would have provided for a Native American Economic Development Council made up of representatives of each of the 11 tribes as well as appointees of the Secretary of Interior and the Governor of South Dakota. Although the Gentleman from Alaska, Chairman YOUNG, agrees with the need for economic stimulation on our reservations, he made clear his belief that the creation of a new program at this time requires additional review of the Committee on Resources.

While I feel as though the program as drafted would fulfill its mission and goals, I am willing to continue working with him toward this goal through this session and next Congress. I am certain the GAO study will provide important information about existing programs. With that information in hand, we can work toward an economic development program that is not duplicative of current efforts and directs funding at the greatest needs and for the greatest good.

There is no question that there are tremendous needs when it comes to improving economic opportunities in Indian Country and in Rural America. The counties in South Dakota where reservations are located experience some of the highest poverty rates and unemployment rates in the nation. Yet, assistance already is being provided to the tribes and to assist American Indians with job and business ownership opportunities.

Our challenge now is to scrutinize the obstacles to achieving economic prosperity, identify ways to overcome those obstacles, and build opportunities. I will continue working with the tribes of the Sioux Nation and my colleagues in Congress to see this happen.

I also should point to changes that were made in order to accommodate concerns regarding the trust status. The bill outlines in Sec. 101 that the Secretary of Interior take the land into trust on behalf of the Sioux Nation. Language has been included that the Reconciliation Place land have trust status only for the purposes outlined under subsection c of the bill. It would be my understanding of the language that trust status would not apply for purposes not designated by the Act or if the facility ceases to function for the purposes under the Act.

The last component of this legislation allows for a mediation center to be established in the Wakpa Sica Reconciliation Place. The Department of Justice Office of Tribal Justice has testified before Congress regarding the need for mediation training and services in South Dakota. Mediation and conflict resolution training could help fulfill the desire of Governor Mickelson to ensure that we have done more than create government programs and, as he said, for future generations of South Dakotans to "see that you and I, Indian and non-Indian, are concerned about one another."

Mr. Speaker, I think our colleagues in the House can see the bill before us has the potential to address some very real needs in the areas of tribal justice, economic development, cultural preservation, and community relations. I truly feel these combined efforts continue our commitment to the Century of Reconciliation. We are promoting more than government programs; we are encouraging personal dialogue, which is essential to understanding and respect.

I would like to thank Chairman YOUNG and Ranking Member MILLER and the House Majority Leadership for their cooperation in bringing this bill to the floor as we approach adjournment. I also would like to thank the tribal and local interests, including Bill Fischer, Lower Brule Sioux Tribe Chairman Michael Jandreau, and Clarence Skye for their tireless efforts, and so many others in South Dakota who have helped to make this a reality.

Again, I ask my colleagues to vote in support of the bill.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 5528, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 2130

REPORTS CONSOLIDATION ACT OF 2000

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2712) to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

The Clerk read as follows:

S. 2712

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 "Reports Consolidation Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) existing law imposes numerous financial and performance management reporting requirements on agencies;

(2) these separate requirements can cause duplication of effort on the part of agencies and result in uncoordinated reports containing information in a form that is not completely useful to Congress; and

(3) pilot projects conducted by agencies under the direction of the Office of Management and Budget demonstrate that single consolidated reports providing an analysis of verifiable financial and performance management information produce more useful reports with greater efficiency.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize and encourage the consolidation of financial and performance management reports;

(2) to provide financial and performance management information in a more meaningful and useful format for Congress, the President, and the public;

(3) to improve the quality of agency financial and performance management information; and

(4) to enhance coordination and efficiency on the part of agencies in reporting financial and performance management information.

SEC. 3. CONSOLIDATED REPORTS.

(a) IN GENERAL.—Chapter 35 of title 31, United States Code, is amended by adding at the end the following:

"§ 3516. Reports consolidation

"(a)(1) With the concurrence of the Director of the Office of Management and Budget, the head of an executive agency may adjust the frequency and due dates of, and consolidate into an annual report to the President, the Director of the Office of Management and Budget, and Congress any statutorily required reports described in paragraph (2). Such a consolidated report shall be submitted to the President, the Director of the Office of Management and Budget, and to appropriate committees and subcommittees of Congress not later than 150 days after the end of the agency's fiscal year.

"(2) The following reports may be consolidated into the report referred to in paragraph (1):

"(A) Any report by an agency to Congress, the Office of Management and Budget, or the President under section 1116, this chapter, and chapters 9, 33, 37, 75, and 91.

"(B) The following agency-specific reports:

"(i) The biennial financial management improvement plan by the Secretary of Defense under section 2222 of title 10.

"(ii) The annual report of the Attorney General under section 522 of title 28.

"(C) Any other statutorily required report pertaining to an agency's financial or performance management if the head of the agency—

"(i) determines that inclusion of that report will enhance the usefulness of the reported information to decision makers; and

"(ii) consults in advance of inclusion of that report with the Committee on Governmental Affairs of the Senate, the Committee

on Government Reform of the House of Representatives, and any other committee of Congress having jurisdiction with respect to the report proposed for inclusion.

''(b) A report under subsection (a) that incorporates the agency's program performance report under section 1116 shall be referred to as a performance and accountability report.

''(c) A report under subsection (a) that does not incorporate the agency's program performance report under section 1116 shall contain a summary of the most significant portions of the agency's program performance report, including the agency's success in achieving key performance goals for the applicable year.

''(d) A report under subsection (a) shall include a statement prepared by the agency's inspector general that summarizes what the inspector general considers to be the most serious management and performance challenges facing the agency and briefly assesses the agency's progress in addressing those challenges. The inspector general shall provide such statement to the agency head at least 30 days before the due date of the report under subsection (a). The agency head may comment on the inspector general's statement, but may not modify the statement.

''(e) A report under subsection (a) shall include a transmittal letter from the agency head containing, in addition to any other content, an assessment by the agency head of the completeness and reliability of the performance and financial data used in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the data, and the actions the agency can take and is taking to resolve such inadequacies.''.

(b) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.—Notwithstanding paragraph (1) of section 3516(a) of title 31, United States Code (as added by subsection (a) of this section), the head of an executive agency may submit a consolidated report under such paragraph not later than 180 days after the end of that agency's fiscal year, with respect to fiscal years 2000 and 2001.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3515 the following:

''3516. Reports consolidation.''.

SEC. 4. AMENDMENTS RELATING TO AUDITED FINANCIAL STATEMENTS.

(a) FINANCIAL STATEMENTS.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a), by inserting ''Congress and the'' before ''Director''; and

(2) by striking subsections (e) through (h).

(b) ELIMINATION OF REPORT.—Section 3521(f) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''subsections (a) and (f)'' and inserting ''subsection (a)''; and

(B) by striking ''(1)''; and

(2) by striking paragraph (2).

SEC. 5. AMENDMENTS RELATING TO PROGRAM PERFORMANCE REPORTS.

(a) REPORT DUE DATE.—

(1) IN GENERAL.—Section 1116(a) of title 31, United States Code, is amended by striking ''No later than March 31, 2000, and no later than March 31 of each year thereafter,'' and inserting ''Not later than 150 days after the end of an agency's fiscal year,''.

(2) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.—Notwithstanding subsection (a) of section 1116 of title 31, United States Code (as amended by paragraph (1) of this subsection), an agency head may submit a report under such subsection not later than 180 days after the end of that agency's fiscal year, with respect to fiscal years 2000 and 2001.

(b) INCLUSION OF INFORMATION IN FINANCIAL STATEMENT.—Section 1116(e) of title 31, United States Code, is amended to read as follows:

''(e)(1) Except as provided in paragraph (2), each program performance report shall contain an assessment by the agency head of the completeness and reliability of the performance data included in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the performance data, and the actions the agency can take and is taking to resolve such inadequacies.

''(2) If a program performance report is incorporated into a report submitted under section 3516, the requirements of section 3516(e) shall apply in lieu of paragraph (1).''.

The SPEAKER pro tempore (Mr. THUNE). Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2712.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2712 would authorize executive branch departments and agencies to consolidate statutorily mandated financial and performance management reports into one single annual report.

The consolidated reports would present in one document an integrated picture of an agency's performance. As such, they will be more useful to Congress, to the executive branch, and to the public.

The Office of Management and Budget, which is part of the President's establishment, had temporary authority to consolidate reports on a pilot basis, but that authority expired in April of this year. S. 2712 restores the reports consolidation authority and makes it permanent.

The bill also includes provisions that would make the annual reports more useful. The bill would require that the reports include, one, an assessment by the agency head of the reliability of the agency's performance data; and, two, an assessment by the agency Inspector General of the agency's progress in addressing its most serious management challenges.

The bill would also move up the deadline for submission of performance reports required under the Government Performance and Results Act, and change that from March 31 to March 1. This earlier deadline would provide more timely information for the budget cycle. Reports on department and agency performance are vital if a President is to have a credible budget.

Another important part of this legislation is it requires agencies to submit their annual audited financial statements to Congress in addition to the President. An important gauge of success is whether or not agencies are able to produce financial statements which can be audited. The timely receipt of their information is critical to successful congressional oversight.

As my colleagues know, Mr. Speaker, the Subcommittee on Government Management, Information and Technology, which I chair, is dedicated to the implementation of sound financial management throughout the Federal Government. The information contained in agency financial statements is used by the subcommittee to measure the effectiveness of financial management at the 24 largest Federal departments and agencies.

On March 31 of this year, the subcommittee released its third annual financial management report card. The report card is a gauge for Congress to see where attention is needed to prod agencies toward getting their financial affairs in order. Similar to the grades issued in 1999, the subcommittee's report card of the most recent agencies were primarily D's and F's.

This year, the subcommittee graded the Federal Government as a whole based on the government's consolidated audit report prepared by the General Accounting Office. Overall, the government earned a D-plus, the government being the executive branch.

Mr. Speaker, this Congress has attempted to instill the principles of performance-based management throughout the Federal Government. The report authorized by this bill would give Congress and the American people a single source of information about the management of each Federal agency. This information is critically important if Congress is to hold agencies accountable for the resources it spends to do the people's business.

S. 2712 was introduced by Senators FRED THOMPSON and JOSEPH LIEBERMAN. It was reported by the Senate Governmental Affairs Committee and passed the Senate by unanimous consent.

Mr. Speaker, I urge the adoption of this measure.

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

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2712, the Reports Consolidation Act of 2000. This is a good government piece of legislation that would allow all of our Federal agencies to consolidate into a single annual report a whole variety of different financial and performance reports that they are required by law to submit. This will go a long way toward reducing administrative burdens within the agencies and avoid unnecessary duplication.

It is a provision that will allow the public and the Congress and the agencies themselves to see in one document a variety of various reports that need to be in one place in order to adequately review them and to make them

more useful to this Congress in pursuing our goal of trying to improve the efficiency and the effectiveness of the Federal agencies.

The administration has made good progress in trying to improve management practices and performance. Our committee carefully reviewed the activities of every agency.

I commend the gentleman from California (Chairman Horn) for his work and his leadership in trying to be sure that the oversight function of the Subcommittee on Government Management, Information and Technology was carried out to the fullest degree possible.

In short, this legislation is another example of a good, bipartisan piece of legislation that I think has been the hallmark of our subcommittee during this Congress.

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

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER), ranking member, for all the help and work that he has given on all of these issues in terms of effectiveness and efficiency and on a bipartisan basis. As he said, this is simply good government. So we are getting there, slowly, but surely.

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

Mr. TURNER. Mr. Speaker, I yield back the balance of my time.

Mr. HORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the Senate bill, S. 2712.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TURNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RONALD W. REAGAN POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5309) to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office Building.''

The Clerk read as follows:

H.R. 5309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RONALD W. REAGAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, shall be known and designated as the ''Ronald W. Reagan Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Ronald W. Reagan Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5309.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have had the honor of speaking on dozens of these initiatives over the past year, and each one has been an honor, and each designee, I think, brings a special quality and a special attribute before us that we can all admire.

This first bill, the Ronald Reagan Post Office, obviously seeks to honor an individual that presents a challenge in that regard. It would be impossible, certainly, for me to fully describe, even adequately describe, the contributions, the remarkable life that this man brought and even to this day offers to each and every one of us as an example of the American way, from his time overcoming what I think most people would fairly describe as a challenging family background, to become the first graduate of college in his family, through his remarkable contributions to sports fans across this country and his days as a sports broadcaster, to his very illustrative and, I think, very entertaining time in the movie industry, and thereafter, of course, in his remarkable contributions in the public sector as the Governor and as the President of the United States.

I think I would simply say that, even at this moment in his lifetime, Ronald Reagan is a story that we can all learn from and we can all build upon.

As our President, he came into office at a time of some disillusionment, a time when I think many Americans were questioning, not just themselves, but the role of this great country. He gave us hope and he gave us confidence in ourselves and in this Nation once more.

The power of his words, the power of his leadership were felt virtually every day in which he resided in the White House. It would be impossible as well to describe in detail the achievements that he put forward, the crushing of Communism, the tearing down of the Berlin Wall, and so much more.

I think for my part in this, Mr. Speaker, I would simply say that, in 1994, after several years of riding and traveling in silence, at that time, former President Reagan, who was known as a great communicator, wrote a handwritten letter informing this Nation that he had the early stages of Alzheimer's disease.

Perhaps the essence of President Reagan's life is captured in his own words. I would simply read them to my colleagues: ''In this land of dreams fulfilled, where greater dreams may be imagined, nothing is impossible. No victory is beyond our reach. No glory will ever be too great. The world's hopes rest with America's future. Our work will pale before the greatness of American champions in the 21st century.''

Those lines written by the Great Communicator himself, I think, encapsulizes so very well the dream that he helped us to rediscover.

I want to thank the gentleman from Florida (Mr. WELDON), who worked with the entire Florida delegation in bringing their cosponsorship to this naming.

I would add as a final word a conversation that I had with the gentleman from Florida (Mr. WELDON) just prior to coming to the floor about why he chose and decided to pursue a naming of a postal facility in the State of Florida.

He said to me, ''There are going to be a lot of children in the years ahead that will look on that building and ask the question, who is Ronald Reagan? And I want them to know who this great American was.''

I cannot think of a better reason or a better tribute to honor this great man. Our congratulations, of course, go to him and our support and best wishes to his family, particularly his lovely wife, Nancy.

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

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5309, which names a post office after ''Ronald W. Reagan'', was introduced on September 26, 2000, by Representative DAVE WELDON (R–FL).

Ronald Wilson Reagan was the 40th President of the United States. He served as President from January, 1981 to January, 1989. At 73, he was the oldest man ever elected president. He was well known as ''Dutch'', ''The Gipper'', and the ''The Great Communicator.''

An actor by profession, President Reagan served as Governor of California from 1966 to 1974. During his presidency, his economic policies came to be known as ''Reaganomics''.

In November of 1994, former President Reagan announced that he was afflicted with Alzheimer's.

Although a number of facilities have been named after the former president—schools, streets, highways, and even the Washington Airport, a crowning achievement was when

President Clinton dedicated the Ronald Reagan Building here in Washington, DC, in 1998. That building houses an international trade center, international cultural activities, the Agency for International Development, and many others.

Mr. Speaker, I urge the swift passage of this bill.

Ms. BROWN of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. WELDON). As I mentioned earlier, the gentleman from Florida (Mr. WELDON) was owed the thanks, I think, of this entire body for taking the initiative in bringing this bill to the floor here tonight. I commend him for that.

□ 2145

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from New York (Mr. MCHUGH) for yielding me this time.

Mr. Speaker, today we have the opportunity to honor a man who made us proud again to be Americans. H.R. 5309 designates the Post Office at 230 Minton Road in West Melbourne as the Ronald W. Reagan Post Office Building. This post office is in Florida's 15th Congressional District, and I am pleased that every Member of the Florida delegation has signed on as a cosponsor of this bill.

Former President Ronald Reagan is a true American hero and naming the U.S. post office after him is a fitting way to honor him.

Ronald Reagan was born on February 6, 1911, in Tampico, Illinois. He was a man with many ambitions, growing up a Midwestern boy in hard economic times. He worked his way through Eureka College. He started his career as a radio announcer and, in 1937, went to Hollywood, where he appeared in more than 50 movies.

He became president of the Screen Actors Guild and was involved in fighting Communist influences in Hollywood. In 1966, he was elected the Governor of the State of California by a margin of more than 1 million votes and was reelected again in 1970.

In 1980, Ronald Reagan was elected to serve as the 40th President of the United States. Ronald Reagan set our Nation on a path to prosperity. He was a strong moral leader and made Americans proud. The economic policies he pursued in the 1980s set a firm foundation for the economic prosperity that we are experiencing today.

President Ronald Reagan reinvigorated the American people through smaller government, putting a lid on inflation, and strengthening our national defenses. President Reagan's persistence in achieving peace through strength carried our Nation to its longest recorded period of peacetime prosperity. President Reagan negotiated a treaty with the Soviet leader, Mikhail Gorbachev, to eliminate medium-range nuclear missiles. Mr. Reagan went to Berlin and challenged Mr. Gorbachev to ''Tear down this wall.'' His 8 years of persistence paid off, and the Iron Curtain fell shortly after he left office.

President Reagan certainly followed through with his 1980 campaign pledge to ''Restore the great, confident roar of American progress and growth and optimism.''

I am happy that we are considering this legislation today, and I encourage all my colleagues to support this effort to name this post office in my congressional district after Ronald Reagan.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume to say once again that I thank the gentleman from Florida and the gentlewoman from Florida (Ms. BROWN), a member of the Florida delegation, for their efforts in this regard. I urge all of our colleagues to join us in final passage of the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THUNE). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 5309.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BROWN of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ROBERT S. WALKER POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3194) to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office''.

The Clerk read as follows:

S. 3194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT S. WALKER POST OFFICE.

(a) IN GENERAL.—The facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, shall be known and designated as the ''Robert S. Walker Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Robert S. Walker Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill, S. 3194.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

As we just heard the Clerk read, Mr. Speaker, this bill does designate the facility of the United States Postal Service at 431 George Street, Millersville, Pennsylvania, as the Robert S. Walker Post Office, and we owe our thanks to the gentleman from Pennsylvania (Mr. PITTS), who introduced an identical bill, H.R. 5418, into the House on October 6. That bill is indeed cosponsored by all the Members of the House delegation from the great State of Pennsylvania.

Many of us certainly know Bob Walker well and know him personally and served with him. Bob represented the people of Millersville and the people of the 16th District of Pennsylvania for 20 years before he did decide to retire from the House.

Simply put, Bob became a member of the Republican leadership during his years here in Washington, and he was known, for a very good reason, as a master strategist, tactician, and an expert on the parliamentary process. He was the floor manager, the chairman of the Republican leadership, and chief deputy minority whip simply because of these great strengths.

For more than a decade, Bob was a major player in all those decisions made by the House Republican leadership. After the party gained the majority in the House, Bob became the chairman of the House Committee on Science, and the vice chairman of the Committee on the Budget.

The National Aeronautics and Space Administration, NASA, awarded him its highest honor, the Distinguished Service Medal, in 1966, for his leadership in advancing the Nation's space program, particularly commercial space endeavors. And I think it is very important to note that he was the first sitting House Member in the history of this country to receive that award.

Though Bob retired from the House, he does to this day remain a strategist and continues his interest and participation in the area of public policy, particularly in science and space and technology. To this day he serves on the boards of trustees of the Aerospace Corporation, the United States Capitol Historical Society, and the United States Space Foundation, among many, many other activities.

It is always an honor to have the opportunity to participate in one of these namings; but, Mr. Speaker, I would add

that in this case the opportunity to participate in extending to a former colleague, and to many of us still a friend and someone in whom we hold the highest respect and admiration, it is a particular honor.

Again, I want to thank the gentleman from Pennsylvania (Mr. PITTS) for his efforts, and I urge our colleagues to support this bill.

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

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3194.

Mr. Speaker, S. 3194, which names a post office in Millersville, Pennsylvania, after ''Robert S. Walker'', was introduced by Senator RICK SANTORUM on October 12, 2000. This measure is identical to H.R. 5418, which was introduced by Representative PITTS (R–PA) on October 6, 2000.

Robert Walker was born in Bradford, Pennsylvania, in 1942 and educated in public schools in Millersville, Pennsylvania. He attended William and Mary, Millersville University, and the University of Delaware. Mr. Walker taught school for three years, then went on to serve in the Pennsylvania National Guard. He was elected as a Republican to the 95th Congress and served until 1997.

In addition to serving as the Chairman of the Committee on Science, Congressman Walker will be forever known and remembered as a master of parliamentary procedure. Currently, he serves as a Professor at Millersville University and a political consultant.

I urge the swift passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS), the sponsor of the House version of this bill, and who, as I mentioned, we are indebted to for his work in honoring one of our former colleagues, Bob Walker.

Mr. PITTS. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise today in strong support of S. 3194. Bob Walker is a great American. During 20 years in Congress, his commitment to his community back home and to America showed through everything he did. Like the county he came from, he is a strong conservative who believes in the values and principles this Nation was founded on. After decades in the minority, he helped lead the Republican Party to the majority in Congress, allowing us for the first time in decades to balance the budget and begin paying down public debt.

Bob grew up in a small university town in Pennsylvania called Millersville. His home is just a few miles up the road in East Petersburg. His father was a history professor at Millersville University, and he grew up exposed not only to the life of the mind but also to the simple bedrock values mainstream America believes in. When he came to Congress, that is exactly how he legislated.

He believed America was capable of great things. As chairman of the Committee on Science, he was a passionate advocate of space exploration. As a member of the Republican conference, he believed regaining the majority was possible.

As an American, he believed in the power of the American people to be great problem solvers and innovators. As our Congressman, my neighbors and I always trusted Bob to do the right thing, and I still trust Bob for wise advice and counsel whenever I need it.

It is because Bob inspired so many of us that I think naming the Millersville post office for him is exactly the right thing to do. Bob's family has been connected with Millersville for decades. His father, as I said, was a professor at Millersville University. Bob's archives are there at Millersville University as well.

Lancaster County owes a lot to Bob Walker for 20 years of service. America, I think, owes no less to him for his adherence to principle, even when the right thing to do was not always the popular thing.

Naming this post office for Bob is a fitting thank you to a truly great American, and I urge my colleagues to vote for this bill to say thanks to Bob Walker for being such a fine example to us all.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING), another member of the Pennsylvania delegation who I know worked with the gentleman from Pennsylvania (Mr. PITTS) in bringing this bill forward, and who, I know as well not only served with Bob Walker but is someone who considers him to this day a friend.

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

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased to rise this evening to support this legislation naming the Millersville post office for my good friend, Bob Walker, who hails from the congressional district neighboring mine.

Bob and I served together in the Pennsylvania delegation for many years. I have always known him to be one of the most dedicated public servants with whom I have served. There is certainly not a Member on our side of the aisle that does not credit Bob for his instrumental role in helping us gain the majority in 1994.

When we were in the minority, and Bob served as chief deputy minority whip, he was very well respected and recognized as one of the Republicans' chief strategists, tacticians, and experts on the parliamentary process. Bob was always on the floor of the House making sure that parliamentary procedure was being followed every step of the way and ensuring that no one tried to pull a fast one. Whenever there was any controversy on the minority, if the minority wanted to be heard, Bob was the man to see. He was truly a master.

Many do not know that Bob served as a congressional staffer for many years before he was elected to the Congress. I believe that is where he mastered the procedures and rules of the House, and I suppose that is one of the reasons why his staff was so loyal and so fond of him over the years. He never expected his staff to do anything that he did not do as a staffer. He always showed them the utmost respect and challenged them every step of the way.

Bob has long been dedicated to the field of education. He graduated from Millersville College with a Bachelor's degree in education and went on to teach high school science. He knew the importance of science education, and when he became chairman of the House Committee on Science, he dedicated himself to the advancement of the space program, knowing of the important educational benefits that that program offered.

I had the pleasure of working closely with Bob not only on science and technology issues but on just about every issue of importance to our constituents in Pennsylvania: Superfund, keeping our military bases open, attracting businesses and jobs to south central Pennsylvania, taking care of the Amish community, which primarily resides in the Lancaster area. All of those issues were first and foremost on the mind of Bob Walker. It was always service first.

Mr. Speaker, it is my sincere pleasure to join my colleagues from Pennsylvania in honoring Congressman Robert Walker by naming this post office for him. He is truly deserving of this honor after all his dedicated years of public service to our Nation and the people of the Commonwealth of Pennsylvania.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume to give a final urging to all our colleagues to join us in supporting this very worthy piece of legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 2200

The SPEAKER pro tempore (Mr. COBURN). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the Senate bill, S. 3194.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BROWN of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ARTHUR ''PAPPY'' KENNEDY POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4399) to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office Building,'' as amended.

The Clerk read as follows:

H.R. 4399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARTHUR "PAPPY" KENNEDY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, shall be known and designated as the ''Arthur 'Pappy' Kennedy Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Arthur ''Pappy'' Kennedy Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4399.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, as has been noted, was indeed introduced by our colleague, the gentlewoman from Florida (Ms. BROWN). And, as is our custom, all the Members of the House delegation from the State of Florida support this legislation. I want to thank the gentlewoman from Florida (Ms. BROWN) for her work and for her efforts in bringing this naming bill to the floor here this evening.

I would note for the record, Mr. Speaker, the legislation is amended to correct the name of the facility from ''post office building'' to ''post office,'' as determined after review by the United States Postal Service.

I am certain that the sponsor who is pleased to be here with us tonight will recount in some detail the life and the achievements of Arthur ''Pappy'' Kennedy. But I do want to say that this individual I think measures up extraordinarily well to the caliber of previous nominees, folks who labor in their communities who go about their lives in a way to try to make a difference and try to improve the lives of those around them.

Certainly Mr. Kennedy has a long and very illustrative and illustrious record in that regard, working for the poor and the underprivileged, associating himself with so many organizations like the NAACP, Meals on Wheels, the United Negro College Fund, and on and on.

I would say that, although he died earlier this year, I am sure the people of Orlando will remember him fondly and remember him as well as a hard-working, popular public servant. I think it is a very, very fitting tribute to a very, very distinguished individual.

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

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to thank the chairman for his help in moving this bill to the floor and for his assistance with the amendment.

Mr. Speaker, I am delighted to introduce H.R. 4399, designating the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office.''

Arthur Pappy Kennedy was Orlando's first African American city commissioner. He was elected to the Orlando City Council in 1972 and reelected in 1976 and served until 1980. He was a native son born in River Junction, Florida, in 1913. His family moved to Orlando, where he attended Johnson Academy and Jones High School. Upon graduation, he attended Bethune-Cookman College.

There was no stronger advocate of higher education. He was always involved in the community. He was the organizer of the Orlando Negro Chamber of Commerce, president of the Jones High Parent-Teacher Association, and instrumental in the organization of the Orange County Parent-Teacher Council.

He worked with many organizations, including Meals on Wheels, the United Negro College Fund, and the NAACP. He has a distinguished record of serving in the community.

Mr. Speaker, I am honored to recognize one of our native sons with this post office designation, and I urge support of this measure, as amended.

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

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with a final word of thanks to the gentlewoman from California (Ms. BROWN), I would urge all of our colleagues to join us in supporting this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4399, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BROWN of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EDDIE MAE STEWARD POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4400) to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office Building,'' as amended.

The Clerk read as follows:

H.R. 4400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDDIE MAE STEWARD POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, shall be known and designated as the ''Eddie Mae Steward Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Eddie Mae Steward Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4400.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we heard just previously, the gentlewoman from Florida (Ms. BROWN) has once again brought to us a postal designation that I think is certainly meritorious and deserves the support of every Member of this House of Representatives. And I thank her and commend her for that work and also for bringing with her the Members of the House delegation in its entirety from the State of Florida for support of this legislation.

Again, to fill in the record, Mr. Speaker, the bill is indeed amended, a technical amendment only to designate the facility as the ''Eddie Mae Steward Post Office'' rather than ''post office building'' for the simple fact that the facility is leased by the United States Postal Service and is not owned.

Here, too, Mr. Speaker, we are fortunate that the gentlewoman from Florida (Ms. BROWN) is with us. And I am certain she will want to make more complete remarks with respect to this individual's contributions. But we have an example again of someone who leads their lives in ways to which I think all Americans can look for inspiration and for lessons and courage how to overcome.

Simply put, Ms. Steward was a leader of the civil rights movement. Her really single-handed efforts led to the court-ordered desegregation of the schools in Duval County, Florida. She thereafter dedicated her life to the achievement of civil rights for all Americans.

She served as the Florida State president of the NAACP. She served as the Secretary of the Duval County Democratic Executive Committee and, as I mentioned previously, simply led her life in a way that is indeed an inspiration.

So, again, I thank the gentlewoman from Florida (Ms. BROWN) for her efforts and express my appreciation for bringing to us such a distinguished individual.

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

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, once again I want to thank the chairman for his help in moving this bill forward with the amendment and his kind words about Mrs. Eddie Mae Steward.

Eddie Mae Steward was my friend, a community leader, and single-handedly launched the effort that led to the court-ordered desegregation in Duval County's public schools. She was the first female president of the Jacksonville branch of the NAACP and served as the State NAACP president from 1973 to 1974.

She also served as the secretary of the Duval County Democratic Executive Committee. Mrs. Steward was a graduate of Edward Waters College in Jacksonville, and she was truly a dedicated civil rights activist.

It has been said that the face of the civil rights movement in Jacksonville belongs to Eddie Mae Steward. She single-handedly took on the fight for decent school accommodations for children attending Boylan Haven, which was a three-story building declared by the Florida Times-Union as ''unfit by any standards as a place to send children to school.'' Three weeks later, the school board backed down and the students were sent to another school.

Much like those before her who struggled against the injustice of the status quo, she was referred to as a ''troublemaker.'' However, it was fundamental fairness, strong principles, and the strength of her convictions that led her to become a courageous leader.

Eddie Mae Steward was born in Callahan, but resided in Duval County, Florida for more than 55 years. She was a graduate of Douglas Anderson High School and Edward Waters College. She passed away on March 5th of this year, succumbing to heart disease. She was 61. She is survived by her six children: Venetia Steward, Ervin Steward and Jerry Mims, Carla Purdyl, Alta and Angela, four grandchildren and two great-grandchildren. I am honored to recognize Eddie Mae Steward with this Post Office designation and I urge strong support for this measure, as amended.

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

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a word of thanks to the gentlewoman from Florida (Ms. BROWN) for her good work on this issue and for bringing us such a distinguished individual.

Mr. Speaker, I urge all of our colleagues to join us in the passage of this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4400, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BROWN of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SAVANNAH COUNTRY DAY SCHOOL VICTORIOUS IN VOLLEYBALL CHAMPIONSHIP

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

Mr. KINGSTON. Mr. Speaker, last year I was in Macon, Georgia, for the Girls' State Championship Basketball Game, and it was a great thrill when I saw that the Savannah Country Day girls were victorious.

Last night, unfortunately, I was unable to attend, but many of the same young women were victorious in winning Savannah Country Day's first volleyball championship, which I believe is also the first volleyball championship for Savannah, Georgia.

They do a great job. They work hard and I have, Mr. Speaker, the roster of the young women who played on that team. And I will submit that for the RECORD, as well as the name of the coaches.

Mr. Speaker, I also want to take particular pleasure in bragging about my very own goddaughter, Sarah Sipple, who is one of the team's leaders and one of the great athletes of that school, who was very much in the thick of the action yesterday. I regret I could not have been there in person, but I watched these young women grow up, many since they were 2 years old and 3 years old.

I can tell my colleagues, there are great things going on in Savannah, Georgia, with woman athletics; but even more than that, I am proud to say it is going on nationally.

Athletics is something that teaches us all to be better people, better team players, better citizens in the long run and to take care of ourselves. It makes us more competitive as a Nation, so I am proud to see that Savannah Country Day School is doing its part, and I am especially proud of the coach and all of these young women.

[From the Savannah Morning News, Oct. 26, 2000]

COUNTRY DAY DEFEATS LANDMARK CHRISTIAN FOR SAVANNAH'S FIRST TITLE

(By Jeff Sentell)

There was too much at stake—the program's first state volleyball championship, Savannah's first title in the sport and the second crown for five well-deserving leaders.

There were too many people counting on them—fans who wanted to experience another title at the school, future players who wanted inspiration and a community that wanted to experience history.

There was their need to fulfill a season-long goal—one that stood so close, yet appeared to be slipping away.

As Savannah Country Day began Game 4 in Wednesday night's state Class AA/A title match, those thoughts raced through the players' minds. Each came to the same decision before completing a 15–7, 15–10, 12–15, 15–13 win over visiting Landmark Christian.

''Losing was not an option,'' junior Melissa McNaughton said, ''We wanted it more than anything, so we refused to lose.''

Late in the third game, a long-awaited title for the program and the city, along with state-wide respect appeared a foregone conclusion. The Lady Hornets (29–11) led Landmark 12–8 and owned the serve. They already had impressive victories in the first two games against a team they split two hard-fought matches with this season.

Minutes later, the Lady War Eagles (42–9) unleashed seven consecutive points to win the game and stave off elimination. Momentum shifted as well, and the Lady War Eagles knew it. They strutted onto the court for Game 4 with big smiles and were ready to force a decisive fifth game.

''But we focused on the task at hand,'' SCD junior Mary Jane Martin said. ''We knew what we had to do. We pulled it together, and we pulled it out.''

Landmark built leads of 9–5, 11–9 and 13–12 in the fourth game. But an unyielding desire and determination sparked a final surge.

Anne Carson's consecutive kills off Lexa Clark's assists finished the job and set off a wild celebration.

''Oh my gosh—I can't describe what this feels like,'' Carson said. ''I'll never forget this. I'll cherish this for the rest of my life.''

''I've never had anything like that happen,'' Sipple said after escaping a barrage of fans that converged on the team at midcourt. ''It's amazing.''

SCD's fans provided a spark for the team from the outset. It only took 21 minutes for the Lady Hornets to dispatch Landmark in the first game.

SCD led 9–3 before the Lady War Eagles became comfortable in the match. More important, the trio of Carson (nine kills), Sipple (17 kills) and Clark (44 assists) found their rhythm, and SCD's supporting cast lent a helping hand.

''Anne and Sarah really hit the ball well, but everybody did well,'' Clark said. ''We knew we could get it done as long as we came together.''

SCD only trailed twice in the first two games, at 3–2 in Game 1 and 1–0 in Game 2, But Landmark rebounded behind the play of Julie Van't Wout (14 kills, four blocks).

The 6-foot junior's aggressiveness at the net offensively and defensively caused problems for the Lady Hornets, especially in Game 3. So SCD chose to maneuver around her.

''She's an absolutely great player,'' Carson said. ''So we had to be smart. We had to start tipping the ball and going around the blocks.'' The Lady Hornets also relied on past experiences. They lost a game apiece to Landmark and Athens Academy during last Saturday's Elite Eight tournament. Each time, they rallied to victory.

''That gave us a lot of confidence,'' Sipple said. ''We have been playing so well lately. So we knew we could do it.''

McNaughton added, ''We didn't give up, because we refused to give up. We wanted to be a part of something special, and this is special.''

Elizabeth Eichholz, Betsy Miller, Sarah Sipple—Captain, Julia Train—Captain, Anne Carson, Melissa McNaughton, Mary Jane Martin—Captain, Alison Morris, Lexa Clark, Wendy Mayer, and Sall Sumer.

Jade Aaron, Caroline Baker, Alex Brennan, Katie Coy, Marquin McMath, Lyn Reeve, Ashley Jones, Jennifer Ross, Katherine Royal, and Lizzy Sprague.

Coaching staff: Ben Ladd—head coach, Carol Schretter, and Phillip Schretter.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

(Mr. YOUNG of Alaska addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

(Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

(Mr. BACA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

(Mr. HUNTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

(Ms. KILPATRICK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. CHAMBLISS) is recognized for 5 minutes.

(Mr. CHAMBLISS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PHELPS) is recognized for 5 minutes.

(Mr. PHELPS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2215

SCHOOL CONSTRUCTION VERSUS TAX BREAKS

The SPEAKER pro tempore (Mr. COBURN). Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise this evening to continue to call on this Congress to pass a real school construction legislation without delay, before our adjournment for the year. We have missed opportunities after opportunities to stop our partisan wrangling and pass a meaningful bill and reach the priorities that we need to reach with this legislation.

Mr. Speaker, as a Congressman from North Carolina's Second Congressional District, I represent an area of the country that has undergone some tremendous growth over the last several years. In communities throughout my district and across this country, our schools are bursting at the seams. Our local communities are struggling to provide resources to build new schools and to repair old ones and get children out of trailers and just fix up old, rundown buildings.

For nearly 4 years now, I have worked with my colleagues in the House on both sides of the political aisle to provide leadership on this important issue and pass a common sense bill that will help our local schools deal with this critical problem. We have come together to support H.R. 4094, the Rangel-Johnson-Etheridge bill that is sponsored by the Republican Congresswoman from Connecticut and my friend from New York. This important bill will provide $25 billion in school construction bonds for our local communities to build schools for our children. It really provides national leadership on this issue that is critical to the American people.

Mr. Speaker, a clear majority of the Members of this House have supported H.R. 4094. 228 Members, Democrats and Republicans alike, have signed on as cosponsors. The House will pass this bill if we can only get a chance to vote on it. The President has stated that he will sign this important legislation the minute it reaches his desk. We have an opportunity to provide real leadership and pass this measure to help provide educational opportunities for our children.

But unfortunately, Mr. Speaker, the Republican leadership of this House

has chosen the path of confrontation and gridlock over the opportunity for consensus and progress. Rather than working together to produce a common sense solution to the need for school construction, the Republican leadership brought to the floor today a bill that was a sham of a school construction measure. Instead of fully funding the cost-effective Rangel-Johnson bill, the Republican leadership's bill would shift funds to much less effective arbitrage relief and private activity bonds. The arbitrage proposal would provide schools with only $24 per $1,000 in bonds compared with $624 per $1,000 in bonds in the Rangel-Johnson bill. In addition, because schools would have to delay construction for at least 2 years to receive any benefits, areas with the most urgent need would not be able to build the buildings that they need. The private activity bonds benefit only those schools available to find a for-profit company willing to pay up-front construction costs. Neither arbitrage nor private activity bonds target assistance to the schools that so badly need it today.

Mr. Speaker, the Members of this House have an obligation, a solemn responsibility in my opinion to work together to craft common sense solutions to the problems facing America's schools. But, rather, we do not work hard to meet the responsibility that is before us. The Republican leadership has chosen to pass a sham proposal, a bill that is truly going to be vetoed. They knew it was going to be vetoed when it passed today. The Republican tax bill contains many provisions that I supported, but the sad fact is the Republican leadership chose to include many good provisions in a fundamentally flawed bill.

In addition, the leadership today pushed through an appropriations bill that provides $687 million in grants to States to build prisons. Mr. Speaker, I supported that provision because we probably need to build some, but to me it is the wrong priority to pass prisons before we build schools.

In conclusion, Mr. Speaker, I remain an optimist. We still have time to pass a real school construction bill before this Congress adjourns and I urge the Republican leadership to do so.

TRIBUTE TO THE HONORABLE JOHN KASICH ON HIS RETIREMENT FROM CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. NUSSLE) is recognized for half the time until midnight as the designee of the majority leader.

Mr. NUSSLE. Mr. Speaker, we are hopefully coming to the end of our legislative session for the year and for the 106th Congress. That will be a happy time for a lot of people because it means we get to go home to our families, to our districts for the election, but there are some people who are not going to be returning, and the subject of my special order involves one of my colleagues and very good friends who will no longer be a Member of this body after this session closes. He shares a distinction with a number of Members who came to the United States Congress to work on deficit issues, on budget issues. He came from the great State of Ohio with a mission, and that was even if he was the only one standing in the well to balance the budget all by himself, he was going to get that job done. That man's name was JOHN KASICH.

Tonight, the subject of this special order is to pay tribute to JOHN KASICH, the representative from Ohio, as well as the distinguished Budget chairman for the last 6 years.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order involving Chairman JOHN KASICH.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NUSSLE. Mr. Speaker, there are a number of Members who would have liked to have been here tonight to express their gratitude, maybe even a few remembrances, a couple of stories, but there just is not time and, of course, with this late hour it probably seems even less appropriate. It is something that ought to be done in, quote-unquote, prime time for someone as important as JOHN KASICH, but let me just give a couple of quick points and then I will conclude.

Number one, there are going to be a lot of people including the very distinguished Speaker pro tem who is sitting here today who will also share the distinction of no longer being here after this session. We bid him at the end of this session farewell. He has been a true champion on many of the issues that JOHN KASICH has been fighting for. But there will be a lot of Members, Mr. Speaker, a lot of politicians, a lot of candidates in the future that say I balanced the budget, or I was there to help get it done, but there will be one person who will probably, above all other people, and my guess is that that will be shared in a bipartisan way from both sides of the aisle, who stood just a little bit taller than the rest of the politicians and Representatives and Senators and Presidents, and that is JOHN KASICH.

He wrote his first budget in 1989. Now, you have got to remember back to what this was like. Here he is a junior Member of Congress coming in and having the audacity to say, I can write my own budget. This is something that was reserved for the President of the United States, for the majority party only, maybe for the Budget Committee but certainly not a junior member to come in and say, ''I can do it better than you can.'' And almost like the movie ''Dave'' that maybe some Members have seen, he went through line item by line item and outlined exactly what that budget ought to look like.

Well, I was not here in 1989. Maybe I would have helped support him. My guess is the Speaker pro tem would have as well. He only got about 30 votes for his first budget. But from that seed grew a very mighty vision for the future. He took that seed and not only became a leader, took over the Budget Committee and then with the rest of us in 1995, 1996 and 1997 worked as hard as he could to bring that vision to a reality. My daughter Sarah and my son Mark are the recipients of his leadership in a number of different ways but probably most importantly because as we have balanced the budget, we have been able to now reduce by putting 90 percent of that surplus toward the national debt, we are going to be able to let them know that by the end of this year we have reduced the national debt by $354 billion.

Can we do better? You bet we can. We are going to continue that work if we have the honor and the ability in the majority to go on next year, and there is more work we need to do, even though JOHN KASICH will not be here. But he has laid a foundation that is second to none. The Members of the Budget Committee as well as the Members of the Ohio delegation led by Ralph Regula, the dean of the delegation, wish to express our gratitude on behalf of all of us in Congress for the great leadership that JOHN KASICH has provided. He will go on with his two twin daughters and his wife Karen to bigger and better things, we have no doubt. As the old adage around here goes that only Members seem know, that as soon as you are a former Member, you are forgotten. That may be true for some, but my guess is that JOHN KASICH'S legacy will ring true in this House of Representatives for many years to come. I count him as one of my friends. I count him as a mentor. He will be sorely missed. We respect his tenure.

Mr. REGULA. Mr. Speaker, I rise today to add my accolades for my Ohio colleague, JOHN KASICH. JOHN has been a member of the Ohio delegation of this body for the past 18 years. As dean of the Ohio delegation, I have worked with JOHN on numerous issues of importance to the State of Ohio. He always brought his determination to help people with his unfailing enthusiasm to the task at hand.

Throughout this time he has played an important role in leading this nation toward sound budgeting and fiscal responsibility. When JOHN assumed the chairmanship of the Budget Committee, he was determined to reduce the size, scope and intrusiveness of government in people's lives. To do this required skillful use of the reconciliation feature of the Budget Act.

As JOHN'S fellow Budget Committee members have attested, he brought a single-mindedness of purpose of the job. His was not a reactive approach, but proactive one, annually proposing his own budget alternatives to those

of the White House. While he presided over the Committee, our budgets have gone from perennial deficits to annual surpluses.

His steadfast leadership of the House Budget Committee has educated many of our constituents across the country on the budget process and its effects on us all. We owe a great debt of appreciation to JOHN for his dedication to this effort and for the positive outcome which has resulted. The impacts a balanced federal budget have on our economy and our ability to prosper individually and as a nation are truly the result of this dedication.

And JOHN has accomplished this with his own special flair. Who else could negotiate budget numbers with the White House one day and start a book signing tour the next, run for President, and hang out with rock stars.

Now JOHN embarks on a new phase of his life. I am certain that it will be as rewarding as his congressional career has been. As a husband and father of twins, JOHN will have many important projects of both a personal and professional nature.

JOHN, as you leave this institution for other endeavors, we wish much success and happiness to you, your wife Karen, and your beautiful twin daughters, Reece and Emma.

TRIBUTE TO THE HONORABLE BOB WEYGAND ON HIS RETIREMENT FROM CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SANCHEZ) is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, tonight I would like to talk just a few minutes about BOB WEYGAND, a good friend of mine here in the House and a great Representative for the Second District of Rhode Island. I know that many of my colleagues share my sadness that he will be leaving the House of Representatives. As my colleagues know, he is running for the United States Senate.

The gentleman from Rhode Island (Mr. WEYGAND) is no stranger to public service. He began his public service in 1978 when he became a member of the East Providence Planning Board and became its chairman in 1979. In 1984 he was elected to the Rhode Island House of Representatives, representing at that time District 84. He was also named the Legislator of the Year in 1988. BOB stayed in the General Assembly until 1993, serving on a number of committees, including the House Corporations Committee on which he was the chairman.

It was during his time as a State representative that BOB helped to write Rhode Island's land use laws which have been recognized nationally as state of the art with respect to land planning and the most progressive and forward thinking types of laws in this country.

BOB was elected lieutenant governor of Rhode Island in 1992 and he was the chairman of the Long Term Coordination Council and he authored legislation to protect the elderly and to improve access for long-term health care.

The gentleman from Rhode Island was elected to the U.S. House, to this House, in 1996. He came in on January 7, 1997, the same day that I came to this House Chamber. We soon became good friends. As a Member of the Congress, BOB was chosen as our freshman president his first year here. The gentleman from Rhode Island serves on the House Committee on the Budget and the Committee on Banking and Financial Services.

He is a landscape architect by trade. That is why he has worked so hard as one of the cochairman of the Livable Communities Caucus that we have here in the House. He has brought to Congress a new way to look at our communities and our physical environment, and I have had the opportunity to work with him over and over again in the caucus where we look at the land use planning of many of our cities.

Those who know BOB well know he is a man of honesty and integrity, and I am proud to call him my friend.

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These qualities are probably best exemplified in his role in uncovering an extensive corruption operation in the city of Pawtucket in 1991. You see *Bob* was a landscape architect, and he had won a contract for that city to redo a general open space, a park, if you will, and one of the things that happened is when he went in to see the mayor to work on this project, the mayor had a little scheme of how he might divide up the funds.

Now, most of us having won a project like that might turn away and say to the mayor, thank you very much, I do not really need this after all, let me just forget I have ever met you, but not BOB. BOB actually picked up the phone that night and called the Federal Bureau of Investigation.

BOB subsequently worked with them in conducting an elaborate undercover operation. Mr. Speaker, he wore a wire for many months putting his family, his wife, Fran, and their three children at great danger, but he felt it was important that he get the information. And because of what he did, putting away corrupt public officials in Rhode Island, BOB won the FBI's Award for Exceptional Public Service, the first time that that was awarded to a private citizen. It is a prestigious honor. He also was recognized with the Rhode Island Distinguished Service Star.

I know that as he leaves the House to pursue the opportunity to represent all Rhode Islanders, that his friends and colleagues thank him for the work that he has done here and wish him well in the future.

Mr. Speaker, Rhode Island will be very, very happy to have a great Senator when they elect BOB WEYGAND on November 7.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise to pay tribute to the career of one of Rhode Island's dedicated public officials, Representative BOB WEYGAND. BOB is being honored tonight with this special order as he gets ready to leave the House of Representatives after two terms of public service.

BOB is a life-time Rhode Island resident and proud graduate of the University of Rhode Island. Since his appointment to the East Providence Planning Board in 1978 he has served R.I. in varying capacities, including as a member of the Rhode Island House of Representatives and as R.I.'s Lieutenant Governor.

BOB'S career accomplishments include the areas of small business, and senior citizens, in particular. He proudly served our State as a presidential delegate to the White House Conference on Small Business and at the White House Conference on Aging. He has served the people of the Second District of Rhode Island well over the past four years. BOB currently sits on the Banking and Financial Services Committee and the Budget Committee. He has fought in the Congress for proposals to bring down the cost of prescription drugs for seniors. He has sponsored a bill to protect our Nation's seniors from criminal scams. BOB has also been a staunch advocate for FDA regulation of tobacco products and for programs to prevent children from smoking.

Again, it is my pleasure to pay tribute to Congressman WEYGAND this evening. I wish BOB, his wife Fran and their three children the very best in the future.

GENERAL LEAVE

The SPEAKER pro tempore (Mr. COBURN). Without objection, all Members may revise and extend their remarks on the subject of the special order of the gentlewoman from California (Ms. SANCHEZ).

There was no objection.

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GOP ATTACK ON VICE PRESIDENT GORE

Mr. LAUTENBERG. Mr. President, last month, and again last week, the Republican staff of the Senate Budget Committee released two reports criticizing what they wrongly described as the economic plan proposed by Vice President GORE and our distinguished colleague, Senator LIEBERMAN. I wanted to come to the floor to discuss these reports, which I believe were inappropriate, and a misuse of taxpayer dollars. They also were grossly inaccurate and unfair.

Let me read from a section of the Senate Ethics Manual.

CAMPAIGN USE OF OFFICIAL RESOURCES

Official resources may only be used for official purposes. It is thus inappropriate to use any official resources to conduct campaign or political activities.

Mr. President, as we all know, and the Senate Ethics Manual makes clear, it is inappropriate to use any official resources to conduct campaign or political activities. Of course, it can be difficult to draw a clear line between official Senate business and campaign activities. And reasonable people can disagree about many of the documents that are produced routinely here in the Congress. But, having said that, the reports issued by the Budget Committee staff, in my view, go well over the line. These reports are focused entirely on AL GORE's campaign proposals, or at least the staff's erroneous interpretation of those proposals. And their obvious purpose is not to provide an objective analysis, but to attack the Vice President. These staff reports aren't just biased, they're pure propaganda. And I would note that the latest report was issued just hours before the last Presidential debate. Not surprisingly, they issued no comparable critique of Governor Bush's budget plan.

Now, Mr. President, I recognize that the Budget Committee is not like the Joint Committee on Taxation, which is supposed to operate in a nonpartisan manner. The Republican staff of the Budget Committee makes no pretense to being nonpartisan, and serves only on behalf of Republican Senators. So one would expect them to issue reports that further a partisan agenda. But, Mr. President, that does not justify the issuance of reports that are so obviously intended for campaign purposes, and that are so blatantly misleading and factually inaccurate.

Mr. President, I could take a long time reviewing the many flaws of the Republican staff reports, but let me

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All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

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WILLIAM M. THOMAS, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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mention just a few. Perhaps most importantly, the reports dramatically and inappropriately exaggerate the costs of the Gore plan. First, they suggest that the Vice President's $360 billion Medicare ''lock box'' represents new spending that somehow would use Social Security funds and increase the budget deficit. This claim is preposterous. In fact, the Medicare lock box reserves funds for debt reduction, not new spending. It wouldn't spend a penny of Social Security surpluses, or any surpluses, for that matter. Yet by, in effect, counting as spending the $360 billion Medicare lock box, and an additional $99 billion of General Fund transfers to Medicare, the Republican staff has artifically created a $450 billion raid on Social Security that simply does not exist. And, Mr. President, that's just the beginning.

The GOP staff also charges the Vice President with the costs of budget proposals put forward by President Clinton, even though the Gore plan clearly does not endorse the entire Clinton budget. This results in doublecounting many similar proposals put forward by both Clinton and Gore, such as their different retirement savings plans. And, of course, it exaggerates the real cost of the Gore/Lieberman plan. Another way that the GOP staff inflates the costs of the Gore plan is to adopt its own scoring rules. The GOP staff went well beyond the scoring of the Congressional Budget Office or the Office of Management and Budget. It created its own special methods of evaluating the costs of the Vice President's proposals. And it shouldn't come as any surprise that they lead to much higher cost estimates.

Take, for example, the Vice President's Retirement Savings Plus proposal, which the Gore campaign says would cost $200 billion. The Republican staff cites a figure of $750 billion. This number is simply made up, and is not backed up by any official CBO or OMB estimate. Similarly, the GOP staff exaggerates the cost of Vice President GORE's preschool proposal. Their report characterizes the Gore plan as if it were an open-ended entitlement, with no state match. That leads to much higher costs. In fact, though, the Gore proposal is for block grants that require a state match.

Another trick that the GOP staff used to create a misleading impression about the Vice President's proposal was to deviate from standard practice and use a so-called ''freeze baseline.'' In other words, the GOP staff counted as a cost of his plan $1.2 trillion in discretionary spending, and related interests costs, that simply reflect the costs of maintaining current policy. These costs normally are considered part of the budget baseline, not new spending. The well-respected, nonpartisan Center on Budget and Policy Priorities made this point in a sharp critique of the GOP staff report. The Center concluded that the Budget Committee's analysis, and I quote, ''is marred by several serious flaws''—unquote—which the Center said inflate the cost estimate assigned to the Gore plan.

Mr. President, the Republican staff was so intent on slandering the Vice President as a big spender that they went to extremes in characterizing some of his proposals. The GOP staff calls anything new spending—even tax cuts. Look at what they include in their long list of new ''spending and regulatory programs'':

Marriage penalty relief.

A long-term care tax credit.

A disabled workers tax credit.

Mr. President, is marriage penalty relief ''new spending''? Even George Orwell wouldn't go that far. In fact, the GOP staff's blacklist goes beyond tax cuts. It even includes gun control. Closing the gun show loophole. Banning junk guns. Requiring mandatory gun safety locks.

Mr. President, would closing the gun show loophole amount to a return of Big Government? Would requiring gun manufacturers to include trigger locks amount to a whole new spending program? I don't think so.

Mr. President, I could go on and on about the Republican report, but I won't. And, frankly, the misstatements and distortions in their report are only part of the problem. This report should not have been produced in the first place. It's obviously intended to be used in the presidential campaign to harm the Vice President. And it's just not the type of report that should be produced with taxpayer dollars. Campaign materials should be produced by campaigns, Mr. President, not congressional staff. And, at a minimum, if reports on issues related to the campaign are issued, especially this close to an election, they ought to at least be fair and accurate. I don't think that's too much to ask, Mr. President.

Let me recite some facts on GORE and the size of Government.

Under the Clinton-Gore administration Government is smaller: Between 1981 and 1992, the size of the Federal civilian workforce increased. Since 1993, however, the Federal workforce has been reduced by 377,000—a 17 percent decline.

The Federal workforce is now the smallest since the Kennedy administration in 1960.

Under the Clinton-Gore administration Federal spending is lower: Spending as a share of GDP increased between 1981 and 1992—rising from 21.7% to 22.5%. Since 1992, however, federal government spending as a share of the economy has been cut from 22.2 percent to 18.7 percent in 1999—its lowest level since 1966.

Although Bush promises to reduce government, under him, Texas government spending increased at twice the rate of the federal government. While the Federal workforce has been reduced by 17 percent, under George Bush, Texas has added 6,200 bureaucrats—a 2-percent increase.

With that, I will yield the floor.

THE OLDER AMERICANS ACT AMENDMENTS OF 2000—Continued

Mr. WELLSTONE. Mr. President, I rise today to voice my strong support for the passage of H.R.782, The Older Americans Amendments Act of 1999. Even with the support of seniors' advocacy groups, it has taken the Congress a full five years to reach bipartisan agreement on this legislation. We should not miss this opportunity to keep our commitment to our most vulnerable senior citizens. I want to applaud the persistence, commitment, and leadership of Chairman JEFFORDS and Senators DEWINE, MIKULSKI and KENNEDY, their staffs, and other colleagues on the HELP committee who have been unwilling to give up during this long process.

With the enactment of the Older Americans Act in 1965, Congress created a new Federal program specifically designed to meet the social services needs of older people. In 1972, Congress added the best known program ''Meals on Wheels'' which brought nutritionally balanced meals to seniors' homes or to seniors in congregate settings. In Minnesota alone, 185,000 seniors benefit from this seniors' meal program. Whenever I talk with seniors or their family members in Minnesota, I hear about this valuable service that provides seniors with necessary nutrition and, in the congregate settings, necessary socialization.

On the 35th anniversary of the Older Americans Act, it is fitting that in a bipartisan bicameral manner we vote to continue the Act's broad policy objectives of providing programs related to health, housing, long-term care, employment, retirement, and community services for low and moderate income seniors. I hope the Senate will overwhelmingly pass this legislation, as did the House yesterday, and signal America's continuing commitment to our senior citizens.

In addition to Meals on Wheels, this legislation continues the popular senior jobs program which provides financial help for needy seniors, provides them with a sense of meaning and usefulness, and also expands their opportunities for needed socialization. During the 1999–2000 program year, Green Thumb (one of the grantees) in Minnesota has exceeded the major goals set by Congress and the Department of Labor, DOL, for job placement, while serving 1,188 mature job seekers. In addition, Minnesota seniors provided nearly 640,000 hours of community services to almost 500 public and nonprofit ''host agencies'', including schools, hospitals, rest homes, libraries, parks, senior dining sites and senior centers, museums, and many more.

During this past winter, Green Thumb in Minnesota engaged in a special partnership with the Census Bureau to assist in recruiting older census workers. As a result of Green Thumb's advertising, over 2,700 mature workers were referred to the Census Bureau. With support of the Older

Americans Act, Green Thumb provided job counseling and training to most of these workers.

In total, for the 1999–2000 program year, approximately 2,260 Minnesota seniors were placed in jobs through all the grantee programs in the state. Programs like these are invaluable for the seniors involved, for their families, and for communities. We must vote to continue them.

This legislation also contains a number of new programs which I wholeheartedly endorse because I believe they will protect seniors and provide support for their families and communities. Most noteworthy is the National Family Caregiver Program which is authorized at $125 million. Minnesota will receive about $1.8 million for the program. The Caregiver Program will provide grants to states for the following long-term care services: information about available services to caregivers, whether they be spouses, children, or grandchildren; assistance to caregivers in gaining access to services; individual counseling; organization of support groups and caregiver training to help families make decisions and solve programs related to their care giving roles; and, perhaps most important of all, respite services to provide families temporary relief from care giving responsibilities.

This legislation also authorizes new programs for protection of older women from domestic violence and sexual abuse, rural health care model programs, and computer training. There are also grants to establish multi- disciplinary centers of gerontology to do research and train people in different disciplines to work with the elderly. As our elderly population grows so does the need for appropriately-trained people to meet their health and social needs.

Every program in The Older Americans Amendments Act of 1999 is needed and will contribute to the emotional and physical well being of our seniors, those who love them, and the communities in which they live. I urge all of my colleagues to vote for this bill.

Mr. BYRD. Mr. President, it is with great pleasure that I support H.R. 782, the Older Americans Act Amendments of 1999. This legislation, of which I am a cosponsor, has been a long time coming. For five long years, senior citizens have been anxiously awaiting the reauthorization of the Older Americans Act, and seniors in my home state of West Virginia have felt betrayed by the failure of Congress to reauthorize this bill. Betrayed, Mr. President. That is why I am so pleased that, in the final days of the 106th Congress, the Senate has the opportunity to vote on this much-needed legislation.

According to the West Virginia Bureau of Senior Services, in Fiscal Year 1999, the Older Americans Act made it possible for approximately 50,459 seniors in West Virginia to have access to vital services like transportation, congregate and home delivered meals, adult day care, and health screenings. In addition, 676 seniors in West Virginia were able to move into the work force through Title V, the Senior Community Service Employment Program. These programs have surely helped many, many seniors, Mr. President, and I am pleased that the Senate is demonstrating how important our nation's oldest citizens are by reauthorizing the Older Americans Act.

I am also pleased that this legislation would establish a new National Family Caregiver Support program, which would include respite, adult day care, and home care services for individuals with the greatest social and economic needs. With West Virginia having the country's oldest population for the second year in a row, and with more than fifteen percent of West Virginia's seniors who are age sixty and older considered to be living in a state of poverty, the National Family Caregiver Support program will offer much-needed assistance for home-bound seniors and their families, who are struggling to cope with the emotional and financial burdens placed on them.

In June of this year, I was fortunate to attend, and speak at, the first-ever International Conference on Rural Aging, held in my home state of West Virginia. This conference was an historic opportunity for global leaders in the aging community to converge and explore the various challenges facing the exploding senior population, both in the United States and across the globe. Of the many issues that were addressed at the conference, including the lack of access to quality health care and vital services, loss of independence and autonomy, and lack of proper elderly nutrition, I am proud to say that the Older Americans Act offers seniors programs that support their desire to remain in their own homes and live independently. The Older Americans Act gives seniors, in both urban and rural areas, the opportunity to maintain a high-quality of life and the opportunity to feel like active participants in their communities. Among the highest concerns of the elderly in the United States, the need for reauthorization of the Older Americans Act has been labeled a critical priority for keeping pace with the rapidly growing aging population.

I would like to point out, Mr. President, that Copernicus was 70 when he argued that the sun, not the Earth, is the center of the cosmos. Grandma Moses was in her 70s when she started painting. Claude Monet painted his famous water lilies at the age of 74. My friend from Ohio, former Senator John Glenn, ventured back into space at the age of 76. Benjamin Franklin was 79 when he invented bifocals. These remarkable individuals were most certainly contributing to society well into what society would consider the ''Golden Years.'' By reauthorizing the Older Americans Act, we are not only giving many other ''golden seniors'' the opportunity to contribute to society, but we are acknowledging the sense that we value them and we are proud to invest in them. I am proud to support this legislation, and I encourage all of my colleagues to do so as well.

Mr. HARKIN. Mr. President, it is truly a privilege to be here today to speak in support of this important reauthorization of the Older Americans Act. I want to thank Senators JEFFORDS, DEWINE, MIKULSKI and KENNEDY for their leadership and steadfast work toward bringing this for us to consider today. As you know, this is the first reauthorization of these programs in eight long years. The House passed H.R. 782 on a vote of 405–2 yesterday. It's time has come today.

The Older Americans Act is the most important Federal senior's services program and has provided essential services to our nation's seniors for the last 35 years. In particular, the program has provided services to those seniors who are vulnerable because poverty, frailty or isolation. As America gets older, we have a growing need for the services and programs authorized by the OAA. We in Iowa have the highest percentage of seniors over the age of 85 in the country. We are ranked 5th in the nation in our percentage of seniors over the age of 65. The services provided through the Older Americans Act provide a lifeline to many of my constituents.

I'm proud to support the strengthening of programs such as congregate and home delivered meals, family caregiver support, in-home services for the frail elderly such as those with Alzheimer's disease, home health, and the senior community service program. These programs help Iowa seniors live independently and remain in their homes and communities.

One of my constituents told me recently what the OAA means to her: Virginia Mehl, who lives in a rural town in Iowa, had never worked away from her farm home. At the age of 79, faced with the death of her husband, she had to go and find work, cleaning an office. Suffering from fibromyalgia, she was having a real tough time. Thankfully, someone pointed her to Green Thumb, one of the organizations administering the senior community service employment program. With their help, Mrs. Mehl learned computer and office skills, enabling her to be placed in the office where she now works. She told me: ''Green Thumb is the best thing that ever happened to me. [I have] the opportunity to learn new skills, meet new people, and pay for my aqua-exercise classes which I need for my disease.''

Mrs. Mehl is just one example of how the Older Americans Act has been an extraordinary vehicle for helping hundreds of thousands of senior Americans obtain the training and job experience needed to improve their lives and provide economic independence, changing the negative stereotypes about aging, encouraging seniors to embrace new technology and keep up with the changing face of our economy.

Seniors in our States have been calling on us since 1995 to reauthorize these important programs. Today, at long last, and with strong bipartisan cooperation, we will do just that.

Mr. REED. Mr. President, I rise today to echo the strong support of my colleagues for the reauthorization of the Older Americans Act.

In July, we celebrated the 35th anniversary of the Older Americans Act, a milestone for a program that has meant so much to millions of America's seniors. The Older Americans Act brings critical support services to the elderly in communities throughout this nation and has greatly benefitted seniors in my State.

The long overdue reauthorization of this Act is particularly significant for the State of Rhode Island. The Older Americans Act has had a long and rich legacy in my State since the Act's inception. Indeed, former Rhode Island Congressman John Fogarty played a key role in authoring the original Act, and I am pleased to have played a role in the reauthorization of this historic Act.

Since 1965, thousands of Rhode Island seniors have enjoyed the benefits of Older Americans Act programs—from congregate and home delivered meals, senior center programs, protective and legal services for the elderly, among other essential programs and services, all of which have brought comfort and enrichment to the lives of seniors in my State. For example, this year, Older Americans Act funding has helped to provide the following services to seniors in my State: 667,101 congregate meals at 74 sites; 540,008 home delivered meals; and 3,500 clients served through the home visitation program.

For many unfortunate reasons, authorization of this legislation lapsed in 1995 and since that time, Congress has been wrangling with its reauthorization. And if it were not for the hard work and sheer determination on the part of Senators JEFFORDS, KENNEDY, DEWINE, and MIKULSKI and their staffs frankly we would not be here this afternoon. I would also like to recognize Janette Takamura, the Assistant Secretary for Aging, for her insights and expertise that have proven invaluable throughout this process and for her tremendous leadership at the Administration on Aging. Indeed, getting to this point has not been easy. I commend my colleagues for their diligence and willingness to compromise on key issues, and I have been pleased to support these efforts.

Their long and hard work has resulted in a thoughtful and balanced bill that lays out a vision for Older Americans Act programs for the next several decades. Specifically, this legislation streamlines and updates existing programs and authorizes new programs designed to meet the needs of the growing population of American seniors and their families in the coming century.

In particular, as an original cosponor of S. 707, legislation introduced by Senators GRASSLEY and BREAUX, I would like to highlight the inclusion of the Family Caregiver Support program in the Older Americans Act reauthorization. The Family Caregiver Support program is designed to meet the critical needs of families who are caring for loved ones with chronic illnesses or disabilities. This program will support respite services for caregivers, counseling and caregiver training and information about additional support services in the community.

Family caregivers are the unsung heros in the provision of long-term care in this country. Nationally, more than 7 million Americans serve as caregivers for relatives, friends and loved ones. Last Fall, I held a Special Senate Committee on Aging field hearing in Rhode Island to explore the burdens and challenges that face family caregivers in my State.

My home State of Rhode Island has the third highest concentration of people over the age of 65 in the Nation, has enjoyed a longstanding commitment to community-based services for the elderly.

Consequently, over 90 percent of Rhode Island seniors are living outside of institutional-based care settings, thanks in large part to the selfless contributions of families and friends in providing elders with the support they need to remain in their homes and communities.

Indeed, my State has already begun to work on creative ways to provide caregivers the resources they need. Recently, the Rhode Island Department of Elderly Affairs was one of 16 national recipients of an Administration on Aging demonstration grant to develop and implement a model to provide training, support and qualified respite care for Alzheimer's families. Monies provided through the new Family Caregiver program under the Older Americans Act will greatly help to fortify and expand ongoing home- and community-based initiatives in my State.

I would also like to commend my colleagues for the inclusion of funding under Title IV to help States start to address the transportation needs of our Nation's seniors. Indeed, in Rhode Island, there is a growing demand from senior centers for transit vans to move seniors who cannot drive and are not served by regular mass transit. This is an issue of growing importance in my State, and I look forward to further considering ways to improve senior transit.

In closing, I would again like to express my appreciation to my colleagues and their staffs for their tremendous efforts to reauthorize this monumental piece of legislation. Thank you, Mr. President.

Mr. GORTON. Mr. President, I am pleased to be a cosponsor of Older Americans Act amendments of 2000. Seniors are a vital part of our community. The programs authorized by this Act help make sure low-income and frail seniors have every opportunity to stay independent, in their own homes, and remain a part of the community. Through meals on wheels and the congregate meal program thousands of seniors in Washington state whether homebound or not, receive nutritious meals and an opportunity to socialize with their peers. Through community service employment many low-income seniors who have poor job prospects have been meaningfully employed in a wide range of activities including education, health care, senior centers and nutrition services for older people. This reauthorization makes sure these needs will continue to be met.

In addition this bill funds activities to protect the rights of the vulnerable elderly through the long-term care ombudsman program which provides volunteer advocates for seniors living in nursing homes and other long-term facilities; through programs to prevent elder abuse, neglect and exploitation; and through assistance programs for insurance and other public benefits.

This year's authorization also includes an important new addition to the Older Americans Act—the National Family Caregiver Support program. Thousands of families are choosing to care for their senior parents and grandparents in their own homes. This can be a wonderful option for seniors who are no longer able to live independently but may not need or want the full time care of a nursing home, or for those seniors unable to afford assisted living arrangements. Counseling, training and respite care will be available to family caregivers. These services will also be made available to grandparents who are caregivers to children.

I deeply believe that seniors in this country should continue to have access to the quality services they have received in the past from the Older Americans Act. This reauthorization not only accomplishes that goal but includes needed improvements. My only regret is that I was unable to be here in person to vote in favor of its passage.

Mr. FRIST. Mr. President, I am pleased today to support passage of the Older Americans Act (OAA) Reauthorization. This Act has been providing a wide range of services, such as a community service employment program, nutrition services, and research, training, and demonstration activities since 1965 for older persons, especially those at risk of losing their independence.

One such service is the Act's nutrition program, which provides millions of meals to older persons in congregate settings, such as senior centers, and to frail older persons in the comfort of their homes. The nutrition program is the Act's largest program providing meals to people who are generally older, poor, and living alone. Most significantly, this program is often the most important source of a balanced, nutritious meal for its elderly participants. While these seniors need some assistance securing adequate meals for themselves, through OAA they don't have to give up living on their own to ensure they have proper nutrition.

In an effort to expand other home-based services, this bill authorizes $125 million in appropriations for a National Family Caregiver Support Program. The new caregiver program which will provide grants to support families and other providers of in-home and community care to older individuals, to develop innovative approaches to caregiving, and to link family support programs with programs for persons with mental retardation or related developmental disabilities and their families. This provision will help not only our seniors, but their families who are struggling to care for them in a home environment rather than a nursing home.

Another example of how OAA helps seniors keep their independence is through the senior community service employment program, which provides opportunities for part-time employment in community service activities for unemployed, low-income older persons. One goal of this program is to increase the income of these persons, however the broader goal is to assist them obtain jobs and become more self-sufficient. While the program supports over 61,500 jobs for elderly Americans, we all benefit from its efforts. Its participants are enthusiastic additions to our labor force, eagerly taking on jobs in community service that might otherwise go unattended. The participants are eager to enter the workforce and are often hired into other jobs outside of the program because of their strong work ethic.

In my home state of Tennessee, 1,224 positions have been established for the senior community service employment program through 1999. During that same year, 547 older Tennesseans were placed into the workforce outside those positions, which means that Tennessee has a rate of 45 percent for transitioning these subsidized part-time jobs into employment outside the program. Of the four senior community service employment program grantees operating in Tennessee, Green Thumb is the oldest and largest, serving 744 elderly Tennesseans during 2000. Green Thumb is currently transitioning 65 percent of elderly Tennesseans from their training program into the workforce, or in other words, at a much higher rate than the national average.

In Tennessee, the seniors served by the senior community service employment program are typically destitute women, with little to no job experience and the inability to pay for food and other basic needs. I recently heard the story of 83 year old Nell Taylor of Trenton, Tennessee. Ms. Taylor has worked at the Department of Human Services in Trenton since 1987 after starting with Green Thumb in 1985. As a result of her experience in the program, she wrote, ''I am so thankful to know I have a job in DHS for it makes me feel like I am wanted and I am important.''

Other stories illustrating the success of this program are those of Elizabeth Powell and Marion Perry. Elizabeth Powell is a teacher's assistant, who also tutors individuals in the ''English as a Second Language class,'' at the Rhea County Adult Education program in Dayton, Tennessee. At 69 years of age, Ms. Powell inspires students having received her own GED at age 58 and knowing personally how the lack of a diploma or GED hinders job opportunities. Marion Perry of Etowah, Tennessee, is a 57-year-old, part-time school bus driver who needed a second job to support his family, which includes several adopted and foster children of various nationalities. Within a couple of weeks, Green Thumb assisted Perry in securing a job as a security guard with a local company.

These few programs I've mentioned today, together with the many other services and activities established by OAA, are providing our elderly Americans with needed services, helping them maintain their independence, and affirming the valuable role they play in our community. I would like to thank Senator JEFFORDS and Senator DEWINE for their leadership on this issue. I would also like to thank Senator KENNEDY for his work and dedication to this issue.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Ohio 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, in half an hour we are going to have the opportunity to cast two votes. The first vote will be on the Gregg amendment. The second vote will be on the Older Americans Act. We have the opportunity to do something that Congress has not done for 8 years; that is, to reauthorize and change and improve the Older Americans Act. For 5 years this bill has not been reauthorized. It is time we do it.

Let me be very candid and very blunt about the amendment of my colleague from New Hampshire. I understand his concerns. He has expressed them very well. The reality is we have taken his concerns into consideration, and we have done more than that, we have incorporated them into this bill. So the bill we will ultimately pass today, I certainly hope without the Gregg amendment, will reflect what my colleague from New Hampshire has already contributed. That has already been done. He should be very proud of that because he has been the voice talking about accountability.

The bill that is in front of us is a bill that needs to pass. Lest anyone make a mistake about what is at stake on this first vote on the Gregg amendment, if the Gregg amendment is agreed to, the Older Americans Act reauthorization will die. It is as simple as that. We have taken a long time to get to this point. We are in the last few days of this Congress.

The House of Representatives, that has been working with us so very closely, passed this identical bill yesterday by an overwhelming vote, with only two votes against it. The idea we would be able to add the Gregg amendment, which makes changes in the bill, and get the bill ultimately passed is absurd. Make no mistake about it; the key vote today is on the Gregg amendment. Anyone who is for the Older Americans Act needs to vote against the Gregg amendment.

Let me talk about the accountability we have been able to put into this bill. The accountability takes care of those issues about which Senator Gregg was concerned. We do it, basically, in two separate ways. We do it by requiring, for the first time, the Department of Labor to have very specific standards and very specific criteria. We enumerate that in the section I have in front of me called ''Responsibility Tests.'' We outline what the Department of Labor will take into consideration when they decide whether or not this contract will be let to an organization. It says:

> Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant agency or State's overall responsibility to administer Federal funds.
>
> As part of the review described in [this paragraph] the Secretary may consider any information, including the organization's history with regard to the management of other grants.

It goes on and on, page after page, to describe what is in there that they will have to look at.

The second way this bill brings about accountability is after the fact, if a grantee is awarded a contract. It provides for a process of review, to make a determination whether or not the grantee has met the national performance standards.

The PRESIDING OFFICER. The 5 minutes allocated have expired.

Mr. DEWINE. I ask unanimous consent for 1 additional minute.

Mr. JEFFORDS. I am sorry, but I am just about out.

Mr. President, how many minutes do I have?

The PRESIDING OFFICER. The Senator from Vermont has 10 minutes remaining.

Mr. JEFFORDS. Mr. President, earlier I recognized the many contributions made by Senator GREGG to the provisions contained in our bill. We were glad to add those provisions. I regret that my colleague does not find them sufficient. But I must say that his amendment goes too far, and if adopted it will kill any chance of reauthorizing the Older Americans Act this year. I urge all of the Senators to vote against the amendment.

On its face, this proposal may look reasonable, but it is not.

It sets standards that would penalize all grantees and would preclude them providing these valuable services without the opportunity to have what are book keeping disputes adjudicated.

Moreover, the bill expressly requires each grantee to comply with OMB circulars and rules and requires the grantees to maintain records sufficient to permit tracing of funds to ensure that funds have not been spent unlawfully.

The bill institutes and requires performance outcome measures, annual grantee evaluations, grantee accountability and it creates a new grant competition for those not meeting performance measures.

It provides Governors and States greater resources and influence over job slot allocations, but also requires broad stakeholder participation in a State Senior Employment Services Plan coordinated through Governor's offices.

Our bill introduces performance measures and competition into the senior employment program for the first time. The bill would establish a 'three strikes and you're out' policy to ensure performance goals are met.

Failure to pass these reforms this year will maintain the status quo. It will only continue a system that does not serve the job placement needs of seniors in many states, and will not correct the deficiencies in the administration and planning of the program. The only way these improvements will be realized is to pass the Older Americans Act Amendments of 2000, a bipartisan, bicameral initiative.

This amendment is not opposed by just the aging organizations like AARP. It is also opposed by the Southern Governors Association. Yesterday, Governor Bush of Florida urged us to pass this bill and send it the President for his signature. Governor Huckabee of Arkansas said.

The Senate must move expeditiously to pass this bill without any amendments.

I urge all the Senators to vote against the Gregg amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 2½ minutes.

Today, the Senate is about to approve a reauthorization of the Older Americans Act which keeps faith with the nation's senior citizens. These programs provide vital links between senior citizens and their communities.

For seniors who are healthy and active, the act offers community service employment opportunities, preventive health services, and transportation services. It also supports a range of social activities, including congregate meals. The act supports more than 6,400 multi-purpose senior citizen centers across the country. For those frail seniors who lack mobility, it helps to maintain a lifeline to the outside world. It provides daily home-delivered meals, in-home care services, homemaker services, and transportation to doctors and other caregivers, and it supports programs to protect vulnerable seniors from abuse and exploitation.

This legislation reaffirms our commitment to ensuring that older Americans continue to receive the services which are so essential to their quality of life. This reauthorization should mean increased Federal financial support for these very worthwhile programs.

As part of this legislation, we have also created a National Family Caregiver Support Program to help families who care for ill or disabled parents or elderly relatives at home. We know how difficult it can become for a family when an elderly person needs a high degree of continuous care. We know the importance of keeping a frail senior at home in a loving environment whenever it is medically possible. This new program will provide essential support services to help these seniors remain with their loved ones. These families deserve our assistance, and this new program will ensure that they receive it.

Family caregivers will be able to obtain a broad range of support services, including respite care, in-home assistance, training in caregiver skills, and family counseling, all of which will make a major difference for these vulnerable seniors and their families. We have authorized $125 million for the first year of this new effort, and we anticipate the program will grow in succeeding years. Massachusetts families will receive over $3 million dollars to help them care for their elderly loved ones.

The Senior Community Service Employment Program, authorized by title V of the act, is the nation's only employment and training program aimed exclusively at low-income older persons—and it will have an increasingly important role as the Baby Boom generation ages.

Title V serves over 90,000 low-income elderly persons every year. The jobs obtained through this program provide these men and women with needed economic support. But it does much more than that. It keeps them active and involved in their communities, not isolated at home. It provides opportunities to make important contributions to their communities and to learn new skills—and it enhances their sense of dignity and self-esteem. In this legislation, we have significantly strengthened the Community Service Employment Program and provided for its much-needed expansion.

The legislation already addresses the financial accountability of title V program operators. It establishes strong new performance measures which program operators must meet each year, and provides for removal of operators who consistently fail to meet performance standards. It sets strict limits on the purposes for which program funds can be used, and established a 14-point financial responsibility test which every program operator must pass. The Department will have ample authority to disqualify those program operators whom it deems either untrustworthy or unreliable. The procedures we have established are tough and fair. The Gregg amendment is not needed.

Reauthorization of the Older Americans Act has been co-sponsored by over 70 Senators. It is supported by the National Governors' Association and by more than forty citizens organizations. It was overwhelmingly approved by the House of Representatives yesterday on a vote of 405–2. It is the product of a delicate bipartisan and bicameral consensus. Any change in the bill at this late date would have the effect of killing the reauthorization of the OAA for this session. That would be a serious loss for the millions of seniors who depend on this program, and are counting on us to reauthorize it. Please oppose the Gregg amendment so that we can finally enact this important bill this year.

I think the real test of a civilization is how it honors its elderly people, its senior citizens. I think that is a very fair criterion and it is one we ought to be reminded about. After all, these are the men and women who fought the wars, brought the country out of the Depression, and continued to make sacrifices for their children. We have enacted legislation historically, with Social Security, to try to keep these individuals out of poverty and also a Medicare program to address their needs.

This Older Americans Act is of great importance to millions of our senior citizens, to make sure they can live a quality life. It is not a prescription drug program. No, it is not, but it does provide vital services: Nutrition programs, preventive health care programs, transportation programs, feeding programs, in-home delivered meals programs. It is something that is really a lifeline for millions of our senior citizens. It is an employment program for many of our elderly people who want to provide services in local communities in nonprofit organizations.

The amendment before us, the amendment that has been put forward by Senator GREGG, brought a matter to the committee that the committee considered. I just hope our colleagues listen to the excellent presentations of the Senators from Ohio and Vermont, that would indicate that on these issues, this legislation responds to those questions and does it well.

This is an opportunity, with the defeat of the Gregg amendment, to pass this legislation and be on the road to provide meaningful services to our senior citizens. I hope the Gregg amendment will be defeated and we will have an overwhelming vote in support of the legislation.

I yield.

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Vermont has 6 minutes remaining. The Senator from New Hampshire has 15 minutes remaining.

Mr. JEFFORDS. I yield 5 minutes to the good Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise today in strong support of Senate passage of the bipartisan Older Americans Act—OAA Amendments of 2000—H.R.

782. This bill passed the House yesterday with the overwhelmingly bipartisan vote of 405–2. The Senate companion bill S. 1536 has 72 cosponsors. H.R. 782 is a bipartisan, bicameral agreement to reauthorize the OAA. It is built on the strong foundation of S. 1536 and the bipartisan compromises reached by the HELP Committee in that bill. It also has the overwhelming support of the aging community. H.R. 782 is well worthy of your support.

This bill long overdue. It keeps our promise to older Americans to retain and strengthen current OAA programs, but is also provides new innovations and accountability to further improve the Act. It will ensure that the Older Americans Act continues to meet the day-to-day needs of our country's older Americans and the long range needs of our aging population.

The highlight of this bill is the creation of the national Family Caregiver Support Program. This program will provide respite care, training, counseling, support services, information and assistance to some of the millions of Americans who care for older individuals and adult children with disabilities. it also will help grandparents who care for grandchildren. This program has strong bipartisan support, will get behind our nation's families, and give help to those who practice self-helped.

Today our families are the backbone of the long term care system in this country. Currently about 12.8 million adults need assistance from others to carry out activities of daily living, such as bathing and feeding. By 2030 there will be about 21 million people over the age of 70 needing care. More than half of the elderly that do not currently receive help do not expect to have help in the future.

One in four adults currently provides care for an adult with a chronic health condition. The economic impact of caregiving is staggering. A recent study found that on average, workers who take care of older relatives lose $659,139 in wages, pension benefits, and Social Security over a lifetime. Further, it is estimated that the national economic value of informal caregiving was $196 billion in 1997.

Many of us have personally cared for sick or aging parents or other relatives and understand firsthand the strains and stresses facing caregivers. We know that adult children are most often the providers of care for seniors. This is the sandwich generation with moms and dads caring for their own children and their own parents. They have full-time jobs at the office and then they come home to full time jobs of caring for other family members.

My sisters and I cared for my mother when she was ill. We were fortunate. We all lived relatively close to my mother and could share caregiving responsibilities. But may families may be scattered across the country and find it more difficult to ensure that older members of their family are cared for properly. In addition, as our population ages, many people are living longer. We now see 80-year-old spouses caring for each other. We can see 70-year-old daughter caring for her 90-year-old mother.

The National Family Caregiver Support Program will help caregivers across the country care for their older relatives, grandparents care for grandchildren, and older individuals care for adult children with disabilities. It is a vital new innovation in this bill. It will meet the day-to-day needs of countless families across the country. We must pass this bill to create this program to help families.

When many Americans think of how the Federal Government helps our country's older Americans, they think of Social Security and Medicare. But what many Americans do not realize is the vital role that the Older Americans Act plays in meeting the day-to-day needs of seniors in this country. In this bill we maintain core programs in this Act that help our seniors.

Some of the most well known OAA programs are congregate and home-delivered meals. OAA provides about 240 million meals to over 3 million older persons. About half of these meals are provided in congregate settings and the other half are provided to frail older persons in their homes. These meal programs are vital to seniors.

A national evaluation of the nutrition program shows that, compared to the total elderly population, nutrition program participants are older and more likely to be poor, to live alone, and to be members of minority groups. The report found that the program plays an important role in the participants' overall nutrition and that these meals are the primary source of daily nutrients for these seniors. For every Federal dollar spent, the program leverages on average $1.70 for congregate meals, and $3.35 for home-delivered meals. A hot lunch at a senior center could be the only hot meal some seniors get each day.

Congregate meals also provide an opportunity for seniors to get out of their homes and socialize with other older persons in their community. After a meal, seniors may stay on for other activities. A meal can lead to a spirited game of bingo, ping-pong, pool, a dance class, or an exercise class. These kinds of activities keep older Americans more active and engaged which can help them live longer and live better. Home-delivered meals allow the frail elderly to enjoy a nutritious hot meal in the comfort of their own home. It can help keep seniors in their own home rather than having to live in an institution.

We also maintain important protective services for seniors such as legal assistance, the long-term care ombudsman, and elder abuse prevention activities. Legal assistance helps seniors with everything from writing a will to guardianship issues to assistance with housing to accessing Social Security benefits.

The long-term care ombudsman is the only OAA program that focuses solely on the needs of institutionalized persons. A senior in a nursing home or that senior's family can contact a local long-term care ombudsman if they are concerned about the quality of care their family member is receiving in a nursing home. The ombudsman is a neutral third party that investigates and helps resolve complaints about quality of care. This is an invaluable resource for seniors to help ensure that they get the best care possible.

The Act also provides for elder abuse prevention programs. OAA helps coordinate elder abuse prevention programs and combat crimes against seniors. It helps train professionals who serve seniors to help them better recognize signs of abuse and help seniors who are victims of abuse. OAA helps increase public awareness about elder abuse both among seniors and in the community at large.

We keep innovation and new ideas flowing by maintaining a separate and distinct Title IV for Research and Demonstration Projects, which is where innovative programs like the eldercare locator got started. We recognize the importance of the White House Conference on Aging to the aging community, and require the President to call such a conference before the end of 2005. Past White House conferences have brought forth innovative new ideas and created new programs to better serve seniors.

We maintain strong support for transportation services, which are critically important to seniors in our rural areas. I know this can be especially important in areas like Western Maryland and the Eastern Shore where seniors may have to travel further to the grocery store or a doctor's appointment or to their nearest senior center. And we retain core provisions of the law, like minority targeting language. That language ensures that OAA services are directed to those who need them the most. However, we acknowledge that unmet need can exist in rural areas, so we have included provisions to help improve the delivery of services to older individuals in rural areas.

At the same time, we recognize the need to strengthen certain programs in the Act and increase accountability. We have focused efforts on strengthening accountability and improving the Senior Community Service Employment Program or title V.

This program provides part-time community service jobs to low-income seniors. It gives them a steady source of income that they need for rent, groceries, medical care, and utilities. Most of the seniors participating in the program are older women whose work histories include working in the home, domestic work, caring for their children and grandchildren, or part-time unskilled employment. Many have not finished high school. Few have pensions, and Social Security or supplemental security income may be the

only source of income for the majority of participants. They count on their check from this program to pay their bills.

Seniors also receive valuable training and skills that enable them to get unsubsidized jobs in the public and private sectors. This is especially important in today's right labor market. Increasingly, employers are looking to older workers to fill jobs traditionally not held by older Americans.

Title V also gives something back to communities. Seniors in this program serve meals in senior centers and drive the vans to help seniors get to their local senior center for a hot lunch. They work in schools and hospitals and day care centers. They make a difference in their communities and their work does not go unnoticed.

We have taken a number of steps to increase accountability. We establish performance measures. If an organization or a state fails to meet these standards and improve its performance, other entities will get the opportunity to competitively bid for a portion or all of the original organization or entity's grant. We establish a minimum amount that must be spent on enrollee wages and fringe benefits. We clarify the way organizations must define and report their costs so that there is no room for ambiguity. We codify responsibility tests and new criteria for grantee eligibility. We require a broad and open planning process so that areas of greatest need within a State are served as efficiently as possible.

While I believe that overall the current grantees are performing very well, these provisions will help ensure that seniors get the high quality services they deserve. They also strengthen the entire SCSEP program and do not target one particular grantee.

This bill strikes a good balance between recognizing the need for additional resources to support OAA programs and protecting the most vulnerable seniors and their access to services. It specifically authorizes seniors to make voluntary contributions—donations—for all OAA services. The bill also allows states to require cost-sharing for a limited number of services such as transportation, respite care, and personal care. A long list of services is exempt from cost sharing, such as the meals program, information and assistance, and ombudsman. It also provides guidance to states and protections to help ensure that seniors are not discouraged from seeking services because of cost-sharing.

I also want to note the strong need for increased funding for Older Americans Act programs. Very few OAA programs have seen increased funding in recent years, yet there is a growing need for services. I strongly support full funding of the new National Family Caregiver Support Program, but other OAA programs must also receive needed increases in funding. I strongly urge my colleagues on the Appropriations Committee and in the Senate leadership to do as much as possible to increase funding for these valuable programs in the final days of this Congress and in the future. I look forward to working with you to do that.

I want to thank Senator DEWINE, Chairman of the Aging Subcommittee, for his sincere dedication to reauthorizing the OAA and willingness to work in a bipartisan manner to accomplish this. Thank you to Senator JEFFORDS for his strong leadership in moving this bill through the Health, Education, Labor, and Pensions Committee and all the way through until enactment. Senator KENNEDY also deserves credit for this bill—he continues to be a tireless advocate for the OAA and the people it serves. I want to thank the Senate staff that have worked so hard on this legislation: Sean Donohue, Hollis Turnham, Karla Carpenter, Jeff Teitz, Abby Brandel, and Rhonda Richards. I can not think of any better way to celebrate the 35th anniversary of the OAA in 2000 than by enacting this long-awaited bipartisan reauthorization of the Older Americans Act.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Ms. MIKULSKI. Mr. President, I urge adoption of the bill and defeat of the Gregg amendment.

Mr. JEFFORDS. Mr. President, I yield the remainder of my time to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized 2¾ minutes.

Mr. DEWINE. Mr. President, I think it has pretty much been said. I ask my colleagues to defeat the Gregg amendment and to pass the Older Americans Act. This is a bill that needs to pass. It is a bill that is sponsored by 73 Members of this body. It is a bill that is supported by the National Governors' Association which urges us to pass the bill. I have a letter from the Southern Governors' Association, signed by all the Southern Governors, including Governor Bush from Texas, as well as Governor Bush from Florida.

Governor Bush from Florida has been very instrumental in working with us on this bill and is a very strong proponent and advocate of the bill because he understands what a difference it will make.

I reiterate, the concerns my colleague from New Hampshire has raised, and I know he will speak in a moment, are valid concerns. We have taken them into consideration. We have incorporated them into this bill. We congratulate him on the work he has done. This bill is a better bill because of what JUDD GREGG has done.

We are now, though, at the point where we have incorporated those reforms. This is a reform-minded bill. This is a bill that will make a difference. This is a bill that will change the status quo. We are now faced with the prospect of either passing this good bill and sending it on to the President of the United States or, if we adopt the Gregg amendment, killing the bill and seeing the status quo remain because that is what will happen.

None of the reforms my colleague wants to see take place will take place if we kill this bill. It will not be one of them. We will continue to muck along. We will continue to move along as we have year after year with the status quo and with no reforms at all. If you are for reforms, you have to vote against the Gregg amendment and then vote for final passage.

I thank the Chair and thank my colleagues.

AMENDMENT NO. 4343

The PRESIDING OFFICER. The Senator from New Hampshire has 15 minutes remaining. All time controlled by Senator JEFFORDS has expired. The Senator from New Hampshire.

Mr. GREGG. I thank the Chair.

Mr. President, first, I appreciate the kind words that have been expressed relative to my efforts on this bill. They are minor compared to the efforts of the Senator from Ohio and the Senator from Maryland who have worked very hard.

The underlying bill is a strong bill. Remember, we are talking about a 5-year authorization. We are not talking about 1 day, 2 days, 1 year, or 2 years. We are talking about 5 years. We are talking about continuing the status quo for another 5 years on this piece of legislation.

This amendment is about good government. The amendment is: Are you for language which says that a grantee that misuses the funds can be disciplined by the Department of Labor? It is that simple. It is generic. If the Department of Labor determines that a grantee misuses funds, this gives the Department of Labor the capacity to do something about that.

As I talked about earlier today, we have an example of one of the grantees, the National Council of Senior Citizens, which has grossly misused funds, which set up a slush fund of $6 million, which spent over $10 million basically to pay for expenses for insurance, which were insurance organizations operated by the same people who ran the National Council of Senior Citizens, which has had an audit in the years 1992, 1993, 1994, 1995, 1996, 1997, and 1998, all of which audits have shown it has misused funds.

If we do not adopt this amendment, that organization will continue to get $64 million a year, will continue to misuse those funds, and the Department of Labor will not have the authority to act against that organization in anything that is even conceivably a reasonable timeframe. Under this bill, as it is presently structured, the fastest timeframe in which the Department of Labor can act against an organization which has acted in the manner in which this organization has acted is 3 years. Even then it is not an issue because there is no language for activity for misuse of funds. They would have to raise it to a level of

criminal or fraudulent activity, which is a standard that is very hard to prove.

It is very obvious that American tax dollars are not being used for the purposes of employing senior citizens, which should be our goal. I am asking for some extremely reasonable good government language to be inserted into this bill. The only argument I have heard today against this language is essentially that, if this little amendment goes in, this bill dies.

I say to my colleagues, that is absurd on its face. We are not leaving here very soon. Regrettably, I wish we were leaving here today. A lot of us wish we were leaving here today, but we are not. I happen to know of three major pieces of legislation which are not going to be completed today. They probably are not going to be completed tomorrow. It is a fairly safe bet that we are going to be back next week. In fact, I can almost guarantee it. I can say that with some authority because I happen to chair one of the committees which has jurisdiction over one of these pieces of legislation, the Commerce-State-Justice appropriations bill. That bill is not going to be completed today, and it is probably not going to be completed this week, and probably we will be back next week.

The same is true of the Labor-HHS bill, and the same is true of the tax bill. We know we are going to be able to take this amendment, send it back to the House, have it passed, and come back here and pass the whole bill.

If that is the reason this language is being opposed, it is inaccurate. This language can be inserted, this bill can be reformed and it can be corrected, and the bill can be brought back to us and passed.

The House of Representatives passed this bill overwhelmingly. This language is not debilitating to the bill. It is an attempt to make the bill function as it should.

What should it do? It should make sure that when we give $350 million a year to agencies without requiring them to bid on the programs, when we give them an entitlement that says, you get this money; you just walk up to the window and we give it to you, at least those agencies should be required not to misuse the money; that those agencies should be required to spend the money for the purposes of employing senior citizens, not for the purpose of creating a slush fund, not for the purpose of financing a Teamsters Union election, not for the purpose of financing a campaign against a Senator, not for the purpose of creating an insurance vehicle which benefits the underlying agency. It should be that those moneys should be used for the senior citizens, to be employed under the bill under title V.

That is all this language does. It is benign language. Without this language, we will essentially continue a process that allows these agencies to come to the window, take the money, and run, without adequate accountability. Even more importantly, there will be no competition and no performance standards.

So the language is reasonable. It needs to be included in the bill. The timing of this bill is not such that this language is going to kill the bill. The momentum for this bill is immense. There is no way that this bill will not pass with this language in it if this amendment is agreed to. The bill will pass. The bill will be conferenced. The bill will be back here. The bill will be voted on before we adjourn as a Senate or a Congress. So that debate is inaccurate.

So I hope that this language, which is a very reasonable attempt to address what is regrettably a glaring problem in the delivery of these services, will be accepted. I hope people would not vote against something so simple as a statement that we should allow the Department of Labor to discipline people who misuse tax dollars. To vote against that is really to take a position which I think is very hard to defend.

We are going to vote on this amendment. I would certainly appreciate my colleagues not being swayed by the argument that a vote for my amendment will bring the bill down because that argument is a red herring, in my opinion, because we are going to be here next week and we can certainly pass this bill next week. It will pass on a voice vote once this amendment is taken. In fact, it will pass by unanimous agreement.

But, rather, I hope my colleagues will be swayed by the fact that if we fail to include this amendment, we will continue to have the issue of whether or not the dollars we are spending to employ seniors, to make their lives better, are, instead, going to be able to be spent to benefit some agency in some way that has no relationship to seniors and their needs. A good government requires that this type of language be put in the bill. Therefore, I ask my colleagues to support the amendment.

Mr. President, I understand that all time on the other side has been used; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. I yield back the remainder of my time and 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. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the Gregg amendment No. 4343. 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 Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 25, nays 69, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—25

Allard	Frist	Murkowski
Ashcroft	Gramm	Nickles
Bond	Gregg	Sessions
Brownback	Hutchison	Shelby
Bunning	Inhofe	Smith (NH)
Campbell	Kyl	Thompson
Craig	Lott	Warner
Enzi	Mack	
Fitzgerald	McConnell	

NAYS—69

Abraham	Durbin	McCain
Akaka	Edwards	Mikulski
Baucus	Feingold	Miller
Bayh	Graham	Moynihan
Bennett	Grassley	Murray
Biden	Hagel	Reed
Bingaman	Harkin	Reid
Boxer	Hatch	Robb
Breaux	Hollings	Roberts
Bryan	Hutchinson	Rockefeller
Burns	Inouye	Roth
Byrd	Jeffords	Santorum
Chafee, L.	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Cochran	Kerrey	Smith (OR)
Collins	Kerry	Snowe
Conrad	Kohl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lautenberg	Thurmond
DeWine	Leahy	Torricelli
Dodd	Levin	Voinovich
Domenici	Lincoln	Wellstone
Dorgan	Lugar	Wyden

NOT VOTING—6

Feinstein	Grams	Lieberman
Gorton	Helms	Specter

The amendment (No. 4343) was rejected.

Mr. JEFFORDS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. JEFFORDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from

Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—94

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

NOT VOTING—6

Feinstein	Grams	Lieberman
Gorton	Helms	Specter

The bill (H.R. 782) was passed.

Mr. WELLSTONE. 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. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The majority leader.

Mr. LOTT. Mr. President, I withdraw my pending motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. JEFFORDS. Mr. President, it gives me great pleasure that the Senate has passed the Older Americans Act Amendments of 2000. This year is the 35th anniversary of the Older Americans Program. Since 1965, the Act has provided a range of needed social services to our Nation's senior citizens. It is the major vehicle for the organization and delivery of supportive and nutrition services to older persons, and it has grown and changed to meet our citizens' needs. In 1972, we created the national nutrition program; in 1978, we established a separate title for Native Americans; and in 1987, we authorized programs to prevent elder abuse, neglect, and exploitation. The Act has been reauthorized 12 times, most recently in 1992. Reauthorization legislation was considered in the 104th and 105th Congresses but did not pass due to controversy about a number of proposals. But those controversies were addressed and the Senate has voted unanimously to pass this Act and provide our elderly with desperately needed help.

The Older Americans Act programs play a vital role in all our communities. Because of the Older Americans Act, millions of nutritious meals are delivered each year to the generation that served our country in World War II. It funds the operations of senior centers and other supportive services to enhance the dignity and independence of the Nation's elders; and it provides part-time employment opportunities to tens of thousands of senior citizens. Indeed, virtually all of our Nation's elderly are benefitting from the Act. However, more could be done to help our senior citizens and their families. This is why we are here to pass the Older Americans Act Amendments of 2000.

I want to commend all of the members of the Committee on Health, Education, Labor, and Pensions for their work and contributions in this effort. Senator DEWINE and Senator MIKULSKI led the way on this reauthorization effort early in this Congress. Beginning on March 3, 1999, the Subcommittee on Aging held a series of hearings, receiving testimony from over 30 witnesses. The first hearing presented Subcommittee members with an overview of the various Older Americans Act programs. Subsequent Subcommittee hearings covered other important issues, including elder abuse, supportive services, State and local views, longevity in the workplace, and long-term family caregiver programs. In March, 1999, we were very fortunate to hear testimony from Ms. Reeve Lindbergh of St. Johnsbury, Vermont. She spoke to our Committee about the unacceptable problem of elder abuse which confronts some of our most fragile elders. Then, in April, we heard from another Vermonter, Mr. John Barbour, who serves as the Director of the Champlain Valley Agency on Aging, in Winooski, Vermont. He alerted the Committee to changes needed in the nutritional programs outlined in Title III of the Act.

This bill improves the Older Americans Act in several key areas. For example, Title I sets out broad policy objectives related to income, health, housing, long-term care, employment, retirement, and community services that will improve the lives of all older Americans. Modifications under this title establish a Federal definition of ''in-home services'' and give both State units and area agencies on aging the ability to include locally significant in-home services in their service definition.

Title II identifies the Administration on Aging as the chief Federal agency advocate for older persons and also establishes the Eldercare Locator Service and Pension Rights and Counseling as ongoing programs.

Significant modifications have been made to Title III, grants for State and community programs. One of the most important aspects of this Act is the establishment of the Grassley-Breaux National Family Caregiver Support Program. According to the 1994 National Long Term Care Survey, there are more than 7 million informal caregivers—including spouses, adult children, other relatives, and friends who provide day-to-day care for most of our Nation's elders. The National Family Caregiver Program authorizes $125 million in Federal assistance to help families care for their elderly by providing a multifaceted system of supportive services, including information, assistance, counseling, and respite services. Moreover, it will help older individuals who are caring for relative children, such as their grandchildren. According to the United States Census Bureau, in 1997, almost 4 million children were living in homes maintained by their grandparents. This program will also extend to older folks who are caring for their adult children with mental retardation and developmental disabilities.

Other changes to this title clarify the role of area agencies on aging with respect to case management, information and referral services, and also strengthen their obligations to coordinate volunteer programs and efforts with other community organizations providing similar services. In addition, the interstate formula allotments are updated, with appropriations being tied to minimum-growth hold harmless amounts, so that no State receives less than it did in FY 2000.

Title V authorizes community service employment for older Americans to provide part-time community service jobs for unemployed, low-income persons 55 years old and over. There will be 1.4 million more low-income persons over the age of 55 in the year 2005 than there were a decade earlier, and many of them will continue working. Employment obtained through this program provides these workers with needed economic support. It keeps them active and involved in their communities, and it provides them with the opportunity to make important contributions to their communities, learn new skills, and enhance their sense of dignity and self-esteem.

The changes made in Title V by this bill are a critical part of this legislation, because they strengthen and modernize the Senior Employment Program. To begin, the purpose statement is amended to stress economic self-sufficiency and to increase the number of placements in public- and private-sector unsubsidized employment. The employment program is integrated with the Workforce Investment Act, including one-stop delivery systems and participant assessments and services, while the program itself and the administrative costs are codified. Also, under this title, the State Senior Employment Services Plan is established which provides Governors with greater

influence and responsibility concerning the allocation of job slots. The newly established State Plan ensures for the first time a planning process with broad participation by representatives from State and area agencies on aging; State and local workforce investment boards; public and private non-profit providers of employment services; businesses and labor organizations; and other aging network stakeholders.

The remaining sections have also been modified. Title IV, training, research, and discretionary projects and programs, authorizes the Assistant Secretary for Aging to award funds for training, research, and demonstration projects in the field of aging. This Act consolidates the demonstration programs from 18 to 10 categories, including sections on violence against older Americans, rural health, computer training, and transportation. Title VI, grants to Native Americans, authorizes funds for social and nutrition services to older Indians and Native Hawaiians. The modifications by this Act authorize the Family Caregiver Support Program for tribal organizations. Then, a provision is added under Title VII, vulnerable elder rights protection activities, which authorizes funds for activities that protect the rights of the vulnerable elderly. The new provision requires that ombudsman programs coordinate with ''law enforcement'' agencies.

I want to take this opportunity to acknowledge the many other individuals and organizations that have contributed to this effort. In addition to leadership Senator DEWINE and Senator MIKULSKI, Senator KENNEDY contributed his long experience to this effort. He helped us find the middle ground and solutions to many thorny issues. Senator GREGG was instrumental in focusing the Committee's attention on the much-needed reforms in the employment services program, and the program is much strengthened by his work. Senator HUTCHINSON was especially active on these efforts to address the employment and services needs of the rural elderly.

Among the groups in the network of aging organizations, special recognition must go to the National Council of Older Americans and the National Association of State Units on Aging for their insight in proposing a compromise to the employment services program. AARP, with the leadership of Horace Deets, undertook the difficult task of seeking consensus among the many aging organizations. Green Thumb tirelessly educated members of Congress about the importance of these aging populations, especially those members representing rural constituencies. The Leadership Council of Aging Organizations, currently being chaired by the Committee to Preserve Social Security and Medicare, provided a continuous forum for many issues to be addressed. Others contributing to this effort include the National Caucus on Black Aging, the National Association of Area Agencies on Aging, and Meals on Wheels. Finally, the Administration on Aging, headed by Jeanette Takamura, provided ongoing leadership and continuous expert support in strengthening these programs.

Many of our staff deserve considerable recognition for their dedicated work. Daphne Edwards in the Office of the Legislative Counsel worked tirelessly on countless drafts of this legislation. Carol O'Shaughnessy of the Congressional Research Service lent her counsel, as well as her years of experience with aging programs, to this bill. Abby Brandel and Rhonda Richards of Senator MIKULSKI's office, and Jeffrey Teitz of Senator KENNEDY's staff, worked diligently to reach accords on many of these difficult issues. Alan Gilbert with Senator GREGG provided invaluable guidance on the employment services program. Kate Hull, of Senator HUTCHINSON's staff, also dedicated many hours of effort to the final product. Recognition is deserved especially by Karla Carpenter, the staff director of the Aging Subcommittee, who with Senator DEWINE developed the framework for this modernization bill and who stuck with the effort to see it finished. Finally, on my own staff, I want to acknowledge and commend the efforts of Hollis Turnham and Sean Donohue. Hollis came to my office as the Senator John Heinz Fellow on Aging, and her extensive experience with these programs was invaluable to the completion of the bill. Hollis brought with her years of experience in serving our Nation's elders and a full knowledge of just how the Older Americans Act affects our older Americans. After several years of trying, this effort to reauthorize the Older Americans Act could have gone astray at countless points over these past two years. Therefore, much credit must go to Sean Donohue, whose focus, experience, and sheer tenacity guided this successful effort.

In summary, our bill goes a long way to improving supportive, employment, and nutritional services for the elderly. This legislation updates the Older Americans Act, making it more relevant and useful to our country's senior citizens. All of these individuals have worked hard to develop innovative strategies to strengthen and modernize the Older Americans Act, and I know that through these efforts our Nation's elders will be better served by this legislation.

Mr. KENNEDY. Mr. President, the reauthorization of the Older Americans Act which just received the Senate's unanimous approval is the product of a two-year bipartisan effort. Earlier today, I said Senators JEFFORDS, DEWINE, MIKULSKI, and I share a common commitment to preserving and strengthening these programs, which have done so much to improve the lives of millions of senior citizens. I commend my three colleagues for their tremendous leadership in fashioning this legislation.

Now, I would like to recognize the members of our staffs who did the work that made this bill possible: Rhonda Richards and Abby Brandel from Senator MIKULSKI's office, Karla Carpenter from Senator DEWINE's office, Sean Donohue, Hollis Turnham and Mark Powden from Senator Jefford's office, and Jeffrey Teitz, Michael Myers, and Jerry Wesevich from my office. We assigned them an extremely difficult task. Efforts to reauthorize the Older Americans Act had failed in the last two Congresses. This year, at each point when the differences appeared too wide, these individuals found a creative way to bridge the divide. They managed to build the consensus which has enabled this legislation to pass both the House and Senate so overwhelmingly.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to the conference report accompanying H.R. 2614, and I ask for the yeas and nays on the motion to proceed.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—55

Abraham	Frist	Nickles
Allard	Grassley	Robb
Ashcroft	Gregg	Roberts
Bennett	Hagel	Roth
Bingaman	Hatch	Santorum
Bond	Hutchinson	Sessions
Brownback	Hutchison	Shelby
Bunning	Inhofe	Smith (NH)
Burns	Jeffords	Smith (OR)
Campbell	Kohl	Snowe
Chafee, L.	Kyl	Specter
Cochran	Lott	Stevens
Collins	Lugar	Thomas
Craig	Mack	Thompson
Crapo	McCain	Thurmond
DeWine	McConnell	Voinovich
Domenici	Miller	Warner
Enzi	Moynihan	
Fitzgerald	Murkowski	

NAYS—40

Akaka	Boxer	Cleland
Baucus	Breaux	Conrad
Bayh	Bryan	Daschle
Biden	Byrd	Dodd

Dorgan	Kennedy	Reed
Durbin	Kerrey	Reid
Edwards	Kerry	Rockefeller
Feingold	Landrieu	Sarbanes
Graham	Lautenberg	Schumer
Gramm	Leahy	Torricelli
Harkin	Levin	Wellstone
Hollings	Lincoln	Wyden
Inouye	Mikulski	
Johnson	Murray	

NOT VOTING—5

Feinstein	Grams	Lieberman
Gorton	Helms	

The motion was agreed to.

Mr. LOTT. 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.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2614 ''To amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes,'' having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD (Part II) of October 25, 2000.)

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the continuing resolution, that no amendments be in order, the vote occur immediately; that following the vote the time be divided as follows: 15 minutes under the control of Senator MCCAIN and 30 minutes under the control of Senator HARKIN.

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

The clerk will state the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 116) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, this will be the last vote of the night. We will then be on the Tax Relief Act conference report.

Of course, Senators have indicated that they wish to speak on that, and perhaps other subjects. The pending business then will be the Tax Relief Act conference report.

But this will be the last vote tonight.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 116) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. 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 on passage of H.J. Res. 116.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), and the Senator from North Carolina (Mr. HELMS), are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (M. HELMS) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—94

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

NAYS—1

Leahy

NOT VOTING—5

Feinstein	Grams	Lieberman
Gorton	Helms	

The joint resolution (H.J. Res. 116) was passed.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. 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.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to read some headlines from newspapers across the United States commenting on our work:

''Congress' Pork Roast'' The News and Observer (Raleigh, NC)

''Imaginary Numbers Game: Congress Pork-Barrel Is Eroding The Surplus'' The Record (Bergen County, NJ)

''Congress Rolls Out The Pork-Barrel Election, Surplus Bring Free Spending'' The Florida Times-Union (Jacksonville)

''Costly Delay: Politics Prompts Capitol Hill Feeding Frenzy'' Telegram & Gazette (Worcester, MA)

''Bellying Up To A Pork Barrel'' The Christian Science Monitor

''Dollars Flying In Congress' Flurry Of Final Spending'' USA Today

''Congress Has Last-Minute Pork Feast'' Chattanooga Times

''Spending Bill Fat With Pork: Both Parties Engaged In Budget-Busting Spree'' The Houston Chronicle

I am saddened by these headlines because of the damage such words do to the reputation of our governmental institutions. But I am also angered by them.

Why? Because we are deliberately, of our own free will, spending the surplus and jeopardizing future prosperity.

With this year-end spending blitz, Congress and the President have blown away the last remaining vestiges of fiscal discipline that, for a brief, very brief moment in time, had put the brakes on the spending frenzies that all too often engulfed our Capitol and contributed to our huge national debt, which stands today at $5.7 trillion.

Tens of billions in pork barrel and special interest spending have been packed into these appropriations bills, as well as numerous provisions pushed by Capitol Hill lobbyists that the American public will not know about until after these bills become law. In fact, Dan Morgan of the Washington Post aptly characterized this well-coordinated, last minute lobbying offensive as ''high noon at Gucci Gulch.''

I regard such a spectacle as demeaning to our Government.

U.S. News & World Report, October 23, 2000:

Nearly two weeks past its promised departure date, Congress remains in Washington, locked in a standoff with the White House and mired in its own disarray over the Federal budget. And as the dealing crackles up and down Pennsylvania Avenue and across the Capitol Rotunda, the shenanigans are going to cost a staggering amount of money. By some estimates, if the spending increases continue at the current pace—nearly twice the rate of inflation—the non-Social Security surplus could be eliminated in less than 5 years.

* * * * *

Feast day. The $650 billion figure must be stacked against the famed 1997 balanced budget deal. Under that agreement, the government was supposed to spend $541 billion in discretionary dollars this year. They should miss the mark by a mere $100 billion or so. The Republicans will outspend their own budget resolution passed this spring by about $50 billion. Election-year politics, an irrepressible instinct for pork, and a unique moment of plenty have combined to create a kind of fiscal third-base coach waving everybody home to score whatever spending project his heart desires

* * * * *

The spending comes in big chunks and small. In Alaska, thanks to Senate Appropriations Chairman Ted Stevens, taxpayers will spend $176,000 to help the Reindeer Herders Association. Stevens set aside a total of $43 million for other Alaska transportation projects. Alabamians may be forever grateful for the $1.5 million set aside to help restore the venerable Vulcan statue in Birmingham, a 56-foot, iron rendition of the Roman god of fire and metalwork. Built as an entry for the 1904 World's Fair, it won the grand prize in the Palace of Metallurgy. Stewart Dansby, executive director of the Vulcan Park Foundation, says officials at the organization talked to Alabama Sen. Richard Shelby about helping to fund the renovation. ''Why are federal tax dollars being spent on a statue in Birmingham?'' asks Dansby. ''Because Vulcan is symbolic of American industrial strength. He represents the working person and . . . . These are federal dollars that would have gone somewhere.''

There is ample evidence of that. The huge surpluses projected over the next decade—$268 billion next year—may have forever changed politics in Washington. The result is a kind of giddiness. ''The surplus is burning a hole in our pocket. It is affecting our judgment,'' says Republican Sen. Phil Gramm of Texas

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Senators from both sides of the aisle have been treating themselves to hundreds of spending programs of peculiar, and perhaps dubious, value. Examples:

Harry Reid has secured more than $14 million for five projects in Nevada, including $2 million to enable airline passengers to get boarding passes at their hotels.

Who I see here.

Tom Harkin added more than $7 million to next year's Agriculture bill to fund ''integrated cow resources management and agriculture-based industrial lubricants research.''

Perhaps Senator Harkin can enlighten us on that.

Robert Byrd has earmarked $5.25 million for a new dorm at the National Conservation Training Center in Shepherdstown, a facility run by the U.S. Fish and Wildlife Service.

Ted Stevens (R-Alaska), the appropriator in chief, scored $400,000 for a parking lot in Talkeetna—a slice of the $43 million in special projects he pulled out of the Transportation bill.

Pete Domenici a nominal budget hawk, claims that the $200,000 he got for a railroad museum in Las Cruces ''could improve transportation for the entire nation.''

Richard Shelby opposed Federal involvement in peanut allergy research in 1998, but he has secured $500,000 for the same in fiscal year 2001.

Mr. President, I have included the top 10 list on several occasions. One of my favorites was insect rearing, bug raising for fun and profit. There are many others that my colleagues may be entertained by, but also American taxpayers may be somewhat disturbed by.

The Washington Post, Eric Pianan, October 25:

Rules created more than two decades ago to impose fiscal restraint on Congress have broken down, helping fuel a year-end spending spree that is resulting in billions of extra dollars for highways and bridges, water projects, emergency farm aid, school construction and scores of other projects.

Many budget hawks have derided the binge as a typical election year ''porkfest.'' But key lawmakers and experts on federal budgeting say another less visible problem is that the law aimed at reining in such spending has been effectively gutted by the congressional leadership.

In particular, lawmakers are increasingly ignoring the annual congressional budget resolution, the document that is supposed to guide spending and tax decisions in the House and Senate every year. In years past, lawmakers might miss their budget targets by a few billion dollars, but now they are busting the budget by as much as $50 billion this year.

This year's budget resolution, for instance, called for about $600 billion in spending this fiscal year on defense, health, education, and other non-entitlement programs. When Congress and the White House finally complete their negotiations . . . the total will be $640 billion or more. . . .

The decision to ignore the budget resolution is only one sign of a general breakdown of fiscal discipline on Capitol Hill, according to fiscal experts. Congress and the Clinton administration are also ignoring spending caps, both agreed to as a part of the 1997 legislation to balance the federal budget.

Congress's enthusiasm for real budget constraints began to wane almost as soon as deficits gave way to surpluses beginning three years ago. Until then, the specter of towering annual deficits of as much as $290 billion had fostered a series of hard-nosed policies, including a 1990 budget deal that for the first time imposed caps on spending and required Congress to offset tax cuts by reducing spending or raising other revenues.

The emergence of surpluses has left it to lawmakers to produce budget plans that would impose spending discipline with an eye to the time when Medicare and Social Security will begin to run short of money. But that has not happened.

All of this maneuvering and horse trading predictably has been conducted behind closed doors, away from the public eye, bypassing a process whereby all of my elected colleagues should evaluate the merit of each budget item.

The big winner in this budget ritual is not the American people but bigger Government and bigger bank accounts for special interests.

As Ronald Reagan was fond of saying, ''Facts are stubborn things,'' and the facts swirling around the fiscal year 2001 budget are disheartening to anyone who believes in smaller Government, fiscal restraint, and the responsibility of elected officials to do everything possible to ensure prosperity for our children and grandchildren.

A few months ago, Republicans outlined our spending plan, calling for about $600 billion in so-called discretionary spending. That is spending on programs other than Social Security, Medicare, and interest on our $5.7 trillion debt. The President's budget requested about $623 billion in discretionary spending.

But the unsavory mix of Members adding billions upon billions more in special interest spending, in what the Associated Press described as a ''bipartisan spending bazaar,'' combined with a President determined to squeeze as many taxpayer dollars as possible as the price for letting everyone go home, led to a ''compromise'' only Washington could love. In the end, bidding up the final spending tally in the range of $640 billion to $650 billion, give or take a few billion, but this explosion of spending does not seem to bother the White House. Just last week, I was amused to read the words of the President's Chief of Staff, who said in a speech that at the end of this budget process, ''We will have a budget that is fiscally responsible.''

It is a mind-boggling comment, at odds with the facts.

For the fiscal year 2001, we have already spent at least $30 billion past the discretionary spending limits set by the budget resolution for this year. When all is said and done and all the bills have been properly reviewed, we could very well spend up to $50 billion more. What is going on here?

The Congress has not always acted this way. As a matter of fact, in 1997 and 1998, when we still had deficits, we spent less money than the actual budget caps. Since the era of surpluses began in 1999, the Congress and the President have taken this to mean they now have a license to spend freely without any adherence to limits. In fact, a recent Cato Institute study of congressional budget habits found that from fiscal year 1998 to fiscal year 2000, domestic spending grew by more than 14 percent in real terms.

Our continuing irresponsibility is threatening to consume a substantial portion of the projected on-budget surpluses before they are realized. Do any of my colleagues genuinely believe we will actually spend less next year?

According to a CBO report released this month, even if we are to save all of today's projected surpluses, we still face the possibility of an uncertain long-term fiscal future as the aging of our population and, thanks to the wonders of modern medicine, the lengthening of our lifespans lead to surging entitlements costs.

The CBO projected the three main entitlements programs—Social Security, Medicare, and Medicaid—will rise from roughly 7.5 percent of gross domestic product today to 17 percent by the year 2040, absent structural reforms. One line in particular in the report should grab the attention of my colleagues. It reads:

Projections of future economic growth and fiscal imbalances are quite sensitive to assumptions about what policymakers will do with the budget surplus that are projected to arise over the next decade.

Remember, today's official budget surplus projections assume discretionary spending will grow for the next 10 years at the rate of inflation, which makes the conclusion of a recent Concord Coalition report even more alarming. The report warns ''that if discretionary spending continues to grow at the same rate it has in recent years, two-thirds of the projected 10-year non-Social Security surplus would disappear.'' That will translate into a reduction of the non-Social Security surplus by $1.4 trillion.

While the White House was the chief engineer pushing the spending bonanza, my party, yet again, let pass a golden opportunity to showcase our fiscal discipline and resolute devotion to debt reduction. We could have supported spending bills with no hard-earned taxpayers' money spent at the behest of individual lawmakers without authorization and adequate congressional review, but we did not.

As we are close to the end of this Congress, we must look to the next Congress, indeed the next President, to address many of the pressing problems that plague our Nation. The real question that faces us is whether we will end the Washington partisan gridlock and achieve results for the American people on a range of critical issues, such as prescription drugs, HMO reform, Social Security reform, and military reform.

I strongly submit that to break the gridlock that cripples Washington, we must break the stranglehold of the special interests on our political process.

For example, we have been trying for nearly 2 years to get a decent health care bill of rights passed into law. The purpose of the legislation is to provide every American who is caught in a squeeze play between employers' HMOs and their doctors with some basic rights designed to ensure they get the quality health care they have paid for and deserve. Yet the trial lawyers and the health care industry lobbies have succeeded in derailing any hope of reaching a meaningful compromise. So Americans, average Americans, will go on suffering at the hands of health care bureaucracy decisions often guided more by the bottom line than the best interests of the patients.

We must have courage to say no to the special interests who pay the soft money fee to gain access to the high political councils while the average taxpayer is left out in the cold. It will not be easy breaking our addiction to soft money.

Roll Call newspaper reports that in a recent survey of 300 senior corporate executives conducted by the Tarrance Group:

> Nearly three-quarters said pressure is placed on business leaders to make large political donations, and half of the executives said their colleagues ''fear adverse consequences for themselves or their industry if they turn down requests'' for contributions.

And 79 percent said the campaign finance system is ''broken and should be reformed.''

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. MCCAIN. I thank the Chair. I will make the rest of my remarks brief.

Such pressure for campaign contributions seems to be paying dividends. According to the Center for Responsive Politics, in 1992, soft money accounted for 18 percent of the political parties' overall fundraising. Today, that figure has more than doubled to ''40 percent of everything the parties raise.''

We are going in the wrong direction, and it is undermining our democracy. That is why I pledge to bring campaign finance reform to the Senate floor when the Senate convenes next year.

Let me be clear; no matter which party prevails in November, our democracy will be the loser unless we clean up our political process. Without real change in how we conduct our politics, cynicism will prevail and continue to eat away at our public square, fueling even lower voter turnout and turning more and more Americans away from public service.

Mr. President, this is too high a price to pay. That is why I am committed to clean up the budget process and the way we fund campaigns. Please join me in this process.

LOW-POWER FM RADIO SERVICE

Mr. MCCAIN. Mr. President, there is a great example of the influence of special interests, which I am told has been inserted into the Commerce-State-Justice, the Judiciary, and related agencies appropriations conference report, without a debate on this floor, without a vote on this floor.

Mr. President, I understand that legislation restricting low-power FM services has been added behind closed doors to that appropriations bill. The addition of this rider illustrates, once again, how the special interests of a few are allowed to dominate the voices of the many in the backdoor dealings of the appropriations process.

Low-power FM radio service provides community-based organizations, churches, and other nonprofit groups with a new, affordable opportunity to reach out to the public, helping to promote a greater awareness within our communities, about our communities. As such, low-power FM is supported by the U.S. Conference of Mayors, the National League of Cities, Consumers' Union and many religious organizations, including but not limited to, the U.S. Catholic Conference and the United Church of Christ. These institutions support low-power FM because they see what low-power FM's opponents also know to be true—that these stations will make more programming available to the public, and provide outlets for news and perspectives not currently featured on local radio stations.

But, the special interests forces opposed to low-power FM—most notably the National Association of Broadcasters and National Public Radio have mounted a vigorous behind-the-scenes campaign against this service.

Let me repeat—and my dear friend from Nebraska joined me in this effort. Together, we tried to stop the National Association of Broadcasters and National Public Radio. Simply put, they have won again.

I believe the Senator from Nebraska will agree with me there is no way they could have carried that vote on the floor of this Senate. There is no way they could have deprived all of these communities, all of these small business people, all of these religious organizations, all of these minority groups—but they stuck it into an appropriations bill, a piece of legislation that never had a single bit of debate and would never have passed through the Commerce Committee, of which I am the chairman, if it had been put to a vote.

Earlier this year, Senator KERRY and I introduced the Low Power FM Radio Act of 2000, which would have struck a fair balance between allowing low-power radio stations to go forward while at the same time protecting existing full-power stations from actual interference. Under our bill, low-power stations causing interference would be required to stop causing interference—or be shut down—but noninterfering low-power FM stations would be allowed to operate without further delay. The opponents of low-power FM did not support this bill because they want low-power FM to be dead rather than functional.

Congress should not permit the appropriations process to circumvent the normal legislative process.

Mr. President, low-power FM is an opportunity for minorities, churches and others to have a new voice in radio broadcasting. In the Commerce Committee, we constantly lament the fact that minorities, community-based organizations, and religious organizations do not have adequate opportunities to communicate their views. Moreover, over the years, I have often heard many Members of both the Committee and this Senate lament the enormous consolidation that has occurred in the telecommunications sector as a whole and the radio industry specifically. Here, we had a chance to simply get out of the way, and allow noninterfering low-power radio stations to go forward to help combat these concerns. Instead, we allowed special interests to hide their competitive fears behind the smokescreen of hypothetical interference to severely wound—if not kill—this service in the dead of night.

Mr. President, speaking for my side of the aisle, we are the party of Abraham Lincoln. We constantly endorse the importance of religious speech to American culture. How can we possibly stifle an opportunity for minority and religious organizations to communicate more effectively with their local communities? By permitting special interests to stifle these voices we are

truly compromising the most fundamental principles of our party and our Nation.

I stand before these community-based organizations, these religious organizations, these people throughout these small communities all over America and say: I apologize. I apologize to you for this action—behind closed doors—that we are going to deprive you of a voice, of a very small FM radio station. And I will tell you who did it. The National Public Radio and the National Association of Broadcasters—the same organization that got $70 billion worth of free spectrum of public taxpayer-owned property. And, by the way, they are not giving back their analog spectrum, which is the subject for another speech. I say to the National Association of Broadcasters and the National Public Radio, shame on you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized for up to 30 minutes.

Mr. HARKIN. Mr. President, I listened somewhat tentatively to the comments made by my friend from Arizona. He talked about ending the partisan gridlock. If you want to end the partisan gridlock, take a look at the tax bill that just came over. This package was never considered in the Finance Committee, never considered on the Senate floor. No Democrats were ever invited to any of the meetings to work it out. There was no consultation with any Democrat. No paper was ever shared with any Democrat in putting it together. It was stuffed into an unrelated conference report. It was sent over here for a vote. And the Republicans have said to the Democrats: Take it or leave it, but you have no part in drafting it, debating it, or anything else.

I would say, if you want to end the partisan gridlock, Republicans should start working in a bipartisan fashion around here to fashion.

I hear George Bush out there. He is saying he wants to come to Washington and end this gridlock. I say to Governor Bush: Pick up the phone and call Senator LOTT. Pick up the phone and call Speaker HASTERT. Tell them to quit playing these kinds of games, these partisan games around here, where we get a tax bill on the Senate floor, in the closing days of this year, that we have had absolutely no part in—absolutely none whatsoever.

Mr. KERREY. I would just like to ask the Senator a question. If the Senator wouldn't mind yielding, I think we can do this almost as a colloquy.

Mr. HARKIN. Yes, I would be glad to.

Mr. KERREY. The Senator from Iowa has been around here a couple years longer than I have. I wonder if the Senator would agree with me. My experience is that all 100 people in this Senate—every single one of them—are trying to do the best job they can. They have different points of views. The Republicans bring certain things to the arguments sometimes that Democrats don't bring, and Democrats bring things that Republicans don't bring from time to time.

Mr. HARKIN. True.

Mr. KERREY. I wonder if the Senator would agree with that.

Mr. HARKIN. That is true. That is the way the legislative process works. I am not always right. You are not always right. Republicans are not always right. But if we work together in that kind of a spirit, it can be worked out. That is the way it should be done.

Mr. KERREY. I wonder if the Senator from Iowa would yield for a second question.

Mr. HARKIN. Sure.

Mr. KERREY. I heard the Governor of Texas say he does not like the Vice President's tax cut proposal because it is targeted. Doesn't it seem that the tax cut proposal that is being brought to us—though it might be hard for my friends on the other side of the aisle to state that they are saying the Vice President is right—is not an across-the-board tax cut, this is a targeted tax cut? Will my friend from Iowa agree they seem to be saying we should have a targeted tax cut?

Mr. HARKIN. I agree on targeted tax cuts, but I would appreciate the Senator expanding on his point.

Mr. KERREY. Well, their bill does not have across-the-board tax cuts. There has been a debate going on between the Vice President and the Governor of Texas as to whether or not there should be an across-the-board tax cut of $1.6 trillion that the Governor of Texas wants to do, on top of $1.1 trillion of payroll tax cuts, and hundreds of billions of dollars of spending as well.

I said the other day, it reminds me of voodoo economics II. I do not think he would be proposing this, which is essentially the failed policies of the past. We tried that once before. President Bush, in 1990, broke from the failed policies of that.

I heard the Senator from Arizona earlier talk about the budget caps that were in the 1990 budget agreement. That started us on the road of eliminating our deficits. But he has an across-the-board tax cut. He is criticizing the Vice President for targeting tax cuts, and it seems our friends on the other side of the aisle are saying the Vice President is right, we should have a targeted tax cut.

I wonder if my friend from Iowa has also experienced, when you are having discussions, there are some things Democrats bring to the argument, bring to the discussion. I wonder, as I look at this tax bill, if any of the people, the Republicans who are part of this thing, ever asked the question: Now that we are going to target tax cuts, is it fair? Are we being fair here? Are we targeting it to the right group of people?

It seems to me, as I look at least at the early analysis, that that question couldn't have been asked.

Mr. HARKIN. Would the Senator enlighten us a little further?

Mr. KERREY. I don't know. I am certain we will have a chance to look at the precise numbers that CBO and others have done. As I look at the numbers right now, it seems our friends on the other side of the aisle, having put this together without Democrats there —if the American people wonder what they lost by not having Democrats there, it doesn't look as if anybody was there to say: Is this fair?

What they have said is, we are going to target $4 billion a year of tax cuts to Americans who make more than $319,000 a year. A lot of my friends make more than $319,000 a year, but $4 billion total out of what appears to be about $6 or $7 billion a year seems to be a pretty big targeted tax cut for people over $300,000 a year. For Members of Congress on up, we are a little over $130,000. It is $670 million of targeted tax cuts to that group. But for the group of Americans under $40,000 a year, they get about $50 or $60 million total.

I don't know. I guess many of my colleagues felt the same sort of movement of their hearts when they read the stories of the sailors who lost their lives on the U.S.S. *Cole*. We had a chance to read the biographies. It was a very moving thing to think about their lives. I noted that not a single one of those individuals were college graduates. They were all high school graduates. They were all enlisted, save one who was an ensign, just became an ensign after 12 years of enlistment. If you read their stories, their moms and dads are waiters; their moms and dads are nurses; their moms and dads are schoolteachers; their moms and dads are making less than $40,000 a year. That is a majority of the country. Those are the folks who are running our Little League baseball groups. Those are the people who are volunteering at church.

If you decide the Vice President is right—we should not have an across-the-board tax cut; we ought to have a targeted tax cut—it seems to me that we ought to be trying to target it to those folks who are having trouble sending their kids to college, having trouble paying health care, having trouble doing all sorts of other things as well. It seems to me what was missing as they put this thing together was some Democrat raising their hand and saying: Is this fair?

I wonder if the Senator from Iowa would agree with that sort of quick analysis.

Mr. HARKIN. I appreciate the Senator from Nebraska bringing that out because obviously this is a targeted tax cut. As the Senator just said, they have targeted it to the wrong people: not the kind of people and the families whose sons and daughters lost their lives in the Persian Gulf recently, not those, but to those with the highest incomes.

I know the Senator had the aggregate figures, but he mentioned the fact

that most of these families make less than $40,000 a year. Under the Republicans' targeted tax cut, if you are a family making $24,000 to $39,300 a year, if you are in that group where average Americans are, you get $94 a year in a tax cut. If, however, you are making more than $319,000 a year, on average, you get 4,158 bucks a year in a tax cut from their targeted tax cut.

So the Senator is right. They have targeted it to those who make more than $319,000 a year. And the Senator is right, you have to ask the question: What is fair about this?

Mr. KERREY. I am very sympathetic to the large amount of taxes that higher income Americans are paying. They have been contributing a substantial amount to deficit reduction since President Bush signed into law an increase in their taxes in 1990 and President Clinton essentially continued that in 1993. And the Republican Congress, to their eternal credit, continued it in 1997. We have been generating a lot, and I am grateful for the income. Indeed, I understand why a group of men and women putting together this tax bill would be more sympathetic to people making over $130,000 a year. That is most of us. In fact, indeed, it is all of us. We tend to hang out with people who make more than $130,000 a year, and we complain about our taxes, too. I understand why we are sympathetic.

It seems to me what was missing in all of this, what I find to be very difficult to support, now that we have decided the Vice President is correct; we should have a targeted tax cut rather than across the board, I don't think it passes the fairness test. As a consequence, the American people are going to end up, if this becomes law—and the President has indicated he is going to veto it, thank goodness, because if it did become law, they would end up having a very difficult time saying, well, yes, it cut taxes in a targeted way, as the Vice President is suggesting, but it doesn't seem to be a fair proposal.

Mr. HARKIN. The Senator is right. It does not pass the fairness test at all. I might ask the Senator one other question. We know that there are a lot of people in this country who lack health insurance. As I understand it, in this tax bill, there is a provision that is supposed to expand coverage. But the way it is drafted, $18,000 in tax benefits are provided for each estimated person who will gain health insurance coverage. I ask the Senator, does this sound like fiscal conservatism?

Mr. KERREY. It seems nobody was in the room to say: Hey, that doesn't seem to be fair. If you look at the average household—Nebraska and Iowa are pretty close to being the same —the average household in Nebraska pays more payroll taxes than they pay income taxes. Income credits very often don't affect them at all. One of the great paradoxes of allowing people to deduct health insurance is the higher your income, the more subsidy you get. We have an awful lot of people in Nebraska who don't have health insurance as a consequence of where they work. And when they go out and try to buy this health insurance, they don't get as much subsidy as somebody who has a higher income. As a consequence, they are not buying it. As a consequence, we now know it is fact that you are going to be less healthy if you don't have health insurance. My friend from Iowa is exactly right again. It doesn't pass the fairness test.

Mr. HARKIN. The Senator points out that most people pay payroll taxes. Especially in the income brackets where they are lacking health insurance, they are paying more in payroll taxes than they are income taxes. That is why you are only getting 600,000 more people with health insurance at a cost of $18,000 in tax incentives per person per year. What a giveaway.

Does the Senator agree that for those income groups that lack a lot of health insurance coverage—and that is low-income people who are working for minimum wage or maybe above minimum wage, or working for small businesses that can't afford to give them health insurance coverage in our small towns and communities —would it not be better or cheaper, fairer to expand the Medicaid program or the CHIP program to cover the kids?

Mr. KERREY. Absolutely. It would be fairer to provide full deductibility for the self-employed. The Senator from Iowa and I both represent a lot of self-employed families, many of whom are farmers, and they are increasingly going into town to get the jobs just to get health insurance. Absolutely, it would be more fair.

I find most Americans want to do things in a fair way. They want us to tell them the truth about the facts. If they see the facts, they see the struggle that is going on.

Again, I wonder if anybody who was sitting in this room putting this tax bill together said, hey, did you see the story that says that now a majority of households in America have both mom and dad working? Did you see the story in the newspaper that said of the 270 American corporations surveyed, 70 percent paid less than the 35 percent effective tax rate, and a large number of them didn't pay any taxes at all because they are using stock options to reduce the cost of their taxes?

Did you read the story about Americans with higher incomes saying they don't want to pay any taxes so they will park their accounts down in the Bahamas and get a credit card or a debit card? Did anybody in this room say that is not fair? Maybe we should say to these folks who are down there running their accounts in the Bahamas: The next time you have a fire in your house or need the police force, or need the Navy, why don't you get the Bahamian Navy or the Bahamian police force or the Bahamian firefighters to help you out?

I mean, did anybody in this room say, with all the evidence around, this isn't fair? I have to say to my friend from Iowa, it just doesn't pass the fairness test. I think Americans want our laws to be fair. They want us to write fair laws and regulations. They want us to look at society and say it needs to be the land of opportunity for everybody. There are very few Americans who would not like a tax cut. If we are going to target them, as Vice President GORE has been saying, and the Republicans are going to say, we agree, the Vice President is right; we ought to have a targeted tax credit, it seems we ought to try to apply some standard or test of fairness as we do it.

Mr. HARKIN. I really appreciate the Senator's remarks.

What the Republicans have done is they have given us this tax package without involving any Democrat. So you are right, none of us was in the room to ever ask the question, Is this fair? They have now dropped this on us. What they have done, really, is sort of given lie to their whole campaign theme with Governor Bush, and that is that you need a tax cut—to just shotgun it out there—and they have given us a targeted tax cut. I am grateful to the Senator for pointing that out.

Mr. KERREY. I have one last question. I find myself saying it doesn't hurt me. I wasn't in the room. It didn't hurt me at all. As a matter of fact, because my income is over $130,000, those folks making the decision in that room helped me out. I guess I should sneak over and thank them for giving me a big tax cut. The people who get hurt are not Members of Congress who weren't in the room; they are Americans who either don't get the targeted benefit or who do get it and say, oh, my gosh, if you are going to do a tax cut, for gosh sakes, help the people who really need it. I think most Americans want our tax laws and the rest of the laws to be as fair as we possibly can make them.

Mr. HARKIN. The Senator is right.

Again, I will just add on top of that, the other unfairness part of this bill is that they didn't what they should have to really expand health insurance coverage in a meaningful way to low-income people. I am talking about people who are working, not people who are on Medicaid and getting coverage. I am talking about low-income people above the poverty line and modest income people who are working hard, making $20,000 a year; they may have a couple kids. They are not in this bill.

Mr. KERREY. I am sure my friend knows this, but one of the problems is this: Let's say you have a mom and dad both on minimum wage. That means they are probably making a $14,000 or $15,000 gross salary—maybe a bit more, maybe $16,000 or $17,000. I can't remember, but I think it is $8,000 that the minimum wage will produce. Say both are working 40 hours a week and generating $18,000 to $20,000 a year. FICA is taking a lot of taxes from them to pay the health insurance of a lot of other people. I have a claim on their income.

Every Member of Congress who will get a big tax cut has a claim on their income to pay our health insurance.

Did anybody in that room putting the tax proposal together say, hey, I don't think that is fair? Well, that is why you need Democrats in the room. That is why God created Democrats. We sit in the room and say, Is that fair? Sometimes we do it to a fault. That is why we need Republicans to push back and say, Can we afford it? Some of us have Republican and Democrat in us and go back and forth all the time. This isn't fair. As the Senator said, I represent low-income working families without health insurance subsidizing my health insurance. I have a claim on their income. They have no claim on mine, and I am getting a big tax cut. I just say to my friend, does that seem fair to you?

Mr. HARKIN. This is not fair.

After listening to the Senator, it raises another question in my mind. Sometimes it seems that Republicans don't believe there is anybody in this country who makes $20,000 or $30,000 a year. Maybe they think this is a myth. Sometimes it seems like they don't exist for them.

Mr. KERREY. I think they do understand it. I think they do, but the problem, it seems to me, is you have to step back from time to time and look at the work you are doing, and you have to apply other values, other standards, to it.

I just don't, in this case, look at this proposal—and I am not able to reach the conclusion that I am going to target a tax cut, as the Vice President has been calling for, that somebody was in that room saying, gee, we have to make sure it is fair. It just didn't get there.

I appreciate very much the Senator answering the questions I have asked of him. I look forward, in fact, to a time when we have our friends on the other side of the aisle engaging in this dialog.

Maybe there is an answer here. Maybe somebody was asking the question over and over: Is this fair? I watched with great interest as the Texas Governor talked about compassionate conservatism. I wonder if my friend noticed that some of his Republican friends were saying: Hey, knock that compassion stuff off. You are sounding too much like a Democrat there, let alone acting compassionately. If you use that word too much, you might not get enough people to come out and vote for you.

I understand and appreciate when my friends on the other side come and say: You want to make it fair, but we have to afford it. God bless them. Senator MCCAIN earlier was talking about it. God bless Senator MCCAIN for bringing that up. We have to pay attention to the need to keep the economy growing.

Mr. HARKIN. Sometimes they ask can we afford it. I ask: can we afford to add 600,000 additional individuals under their bill by giving a tax incentive for health insurance that costs $18,000 per person per year that gains coverage, how can we afford that? Can we afford it when there are so many ways that far more people could acquire health insurance with a far smaller incentive, but one that was properly designed for the purpose.

Mr. KERREY. It does seem a little pricey.

Mr. HARKIN. I thank the Senator from Nebraska. We are going to have the debate tomorrow. We will be talking more tomorrow on the tax bill.

TRIBUTE TO SENATOR BOB KERREY

Mr. HARKIN. Mr. President, I enjoyed the exchange I just had with my good friend of longstanding, Senator BOB KERREY from Nebraska. I just want to talk a little about my friend BOB KERREY as he seeks to retire from the Senate to start a new career.

BOB KERREY is what I have often referred to as two dying breeds all rolled into one: He is a true American war hero, the likes of which this body hasn't seen for over a century, and he is a public servant who speaks his mind and the truth regardless of the political costs. Around here, that is refreshing, as we just heard.

We all know that, as a young man, BOB volunteered for duty, was accepted into the elite Navy Seals—believe me, I was in the Navy, and that is tough duty. He served in Vietnam. Three months into his service, in a very daring night mission, a grenade exploded at his feet that was thrown by the enemy. He lost his right leg below the knee. Although he was in unbearable pain from that and from other wounds on other parts of his body—his arms and hands—barely conscious, he continued to direct his men until they were able to escape.

He won the Congressional Medal of Honor—the highest American decoration—for his courage. He is the only current Member of Congress with this distinction and only the fifth Member of the Senate to win this medal. The other four won theirs during the Civil War. So BOB KERREY is the first Member of the Senate to win the Congressional Medal of Honor since the Civil War. That is why we haven't seen his likes around here in over a century.

Senator KERREY will never tell you all this. It is funny how those who have done the most in battle talk about it the least, and those who have done the least, who have used money and family connections to skirt military service, are always the loudest supporters of more military spending.

Well, Senator KERREY and I go back a long way—back to when he first ran for Governor and won in 1982. I had been in Congress for three or four terms by then. I remember going from my district border, the Missouri River—right across the Missouri River from Omaha. And since I was somewhat known in Omaha, I went across the river to campaign for this guy I had heard so much about. In spite of my having campaigned for him, he won the governorship. Since then, we have campaigned for each other in almost every election. He has either come over to campaign with me, or I have gone over to campaign with him in Nebraska. The exception, of course, was the Presidential race of 1992 when we both sought the nomination. So I suppose looking back on how things turned out, we might as well have campaigned for each other that year.

Throughout his service as Governor of Nebraska and as that State's Senator, BOB KERREY has never been afraid to let his colleagues, his constituents, and the American public know what is on his mind. He is not afraid to learn and grow and modify his opinions when issues become more clear and convincing and when other views come into play. In this way, BOB KERREY is a model legislator—not so rigid that he is mired in constancy and not so drifting that he has lost his anger.

Senator KERREY has brought his honesty and clear thinking to a host of important issues. Throughout his career, he has worked to improve education in America. He has been a staunch advocate for Head Start, youth and family mentoring, and vocational education. He has been a leader in our battle to bridge the digital divide and bring technology to the classroom. The e-rate amendment that he cosponsored allowed schools in rural areas across America to access the Internet.

He has been a lifelong champion of family farmers in Nebraska and throughout the country. He has fought to strengthen market prices, improve agricultural education, empower producers in USDA decisionmaking, and, of course, he has been one of the best supporters of increasing the use of ethanol.

BOB KERREY has also been at the forefront of a host of important government reform initiatives. He has worked on a national bipartisan commission to reform Medicare. He is chair of a bipartisan commission on entitlement and tax reform. He is cochair of a national commission on restructuring the IRS, a commission which he created back in 1996.

In addition, BOB has a strong record of service to the Democratic Party. As chair of the Democratic Senate Campaign Committee in 1995, 1996, and 1997, he pulled the Democrats through some tough times. If it weren't for his hard work, we might be a lot more of a minority than we are now.

Senator KERREY's heroism in Vietnam was just the beginning. He continued to act bravely and sacrifice greatly for this country throughout his career in government. The New School University is lucky to have someone of his stature and character at its helm. BOB KERREY is a truly unique American, one who my wife Ruth and I have been privileged to call a friend for many, many years. Ruth and I wish BOB the

best in his future endeavors, and we hope he will continue to make himself available for further public service. Our country needs it.

GOVERNOR BUSH'S TAX PROPOSAL

Mr. HARKIN. Mr. President, an article appeared today in the Washington Post, Thursday, October 26, 2000, in which the American Academy of Actuaries, a respected nonpartisan organization of financial and statistical experts, reported Governor Bush's plan to cut taxes and divert Social Security payroll taxes to establish individual accounts would make it all but impossible to eliminate the publicly held national debt.

It is interesting. Ari Fleischer, a Bush spokesman, faulted the study because it relied on growth estimates contained in a recent Congressional Budget Office report that projected long-term budget trends. He said that this assumes growth ''at an unusually low level'' past 2010.

Wait a minute. The Congressional Budget Office is run by the Republicans, not by the Democrats.

Lastly, this report said ''counting his taxes and individual accounts, Bush is very much overspending Gore.''

I ask, in this campaign who is really the big spender? Obviously, it is Gov. George Bush of Texas. Don't take my word for it. Take the word of the American Academy of Actuaries for it.

I yield the floor. 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. 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.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT—Continued

Mr. LOTT. Mr. President, I believe we are ready to report the conference report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A conference report to accompany H.R. 2614, an act to amend the Small Business Investment Act, and other purposes.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to S. 2557 regarding American dependence on foreign oil.

I hope any Members who want to speak on the conference report will do so this evening. I will work with the minority leader to try to set up a time for a vote tomorrow.

In the meantime, I yield the floor for the tax debate. I observe that Senator BOND of Missouri is on the way to talk about the contents of the Tax Relief Act.

Mr. REID. Mr. President, I ask for the yeas and nays on moving to the energy bill.

The PRESIDING OFFICER. The majority leader has the floor at this time.

Mr. LOTT. 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. 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, I understand that we do have Senators who intend to use time tonight on the tax debate or other matters: Senator REID, for 20 minutes; Senator DASCHLE for 10 minutes; and Senator DODD for 30 minutes. I am not asking to lock the time but reserving. They have indicated they would need part of that time.

Senator BOND, the chairman of the Committee on Small Business, is here and wishes to continue the floor discussion on the tax bill.

Mr. REID. Let me say to the leader, we do have some people who wish to speak. As I indicated to the majority leader, the Democratic leader has been trying to find time all day to speak. He is in his office and will come out here in a short time to speak for 20 minutes or so. We have a number of other people to speak on this legislation. It shouldn't take too long.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REID. Will the Senator withhold for a second? Senator DASCHLE, as I indicated to the leader, has been waiting to speak all day. Would the Senator yield to the Democratic leader to give a speech?

Mr. BOND. I am happy to do so, so long as I can regain the floor when he concludes so I may discuss the conference report which is before the Senate. I am happy to accommodate the distinguished minority leader.

The PRESIDING OFFICER. Is the Senator seeking unanimous consent to retain the floor?

Mr. BOND. I ask unanimous consent.

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

The Democratic leader.

Mr. DASCHLE. I appreciate very much the cooperation of the Senator from Missouri.

ENDING THE 106TH CONGRESS

Mr. DASCHLE. I wanted to talk briefly tonight about where we are. We are now 26 days into the new fiscal year. We should have completed our work 26 days ago. We are at a stage that should command we work together to try to resolve what remaining differences there are, finish our work, and do all we can to bring this session to a close.

Unfortunately, that is not what has happened tonight. What has happened tonight is that our Republican colleagues have insisted on a conference report for Commerce-State-Justice which they know will be vetoed. They have insisted on drafting a piece of legislation incorporating $240 billion in tax cuts, approximately $81 billion we are told—even though we still haven't had it analyzed and calculated—in changes to the Balanced Budget Act of 1997.

They insisted at the last minute, without any consultation, on incorporating one of the most controversial pieces of legislation pending before the Senate at the end of the year, a bill having to do with forcing States to accept a certain position on physician assisted suicide. There hasn't been any vote in the full Senate, but it is in this tax bill. It is a bill that has nothing to do with taxes, nothing to do with hospitals and ways with which to address the real problems we are facing all across this country with health providers, hospitals, clinics, hospice facilities, nursing homes. You name it, virtually every health facility in this country today is either on the verge of bankruptcy or in a serious financial position. We all recognize the need to do this before we leave, to address the problems our hospitals and all of our health facilities are facing.

What happened is that our Republican colleagues, with absolutely no consultation with any Democrats—House, Senate, or White House—have cobbled together a bill they know will be vetoed. The President just this afternoon sent a letter indicating he will veto the Commerce-State-Justice bill and he will veto the tax bill.

I come to the floor chagrined, disappointed, angered, frustrated. Speaker HASTERT has already reacted to the veto letters. I will quote what is reported in Congress Daily:

Do you have to have everything you want? How much petulance is there on the other side of the aisle?

When asked if Republicans would be willing to rework a tax bill at all, he responded that any new legislation would have to go through committee ''because anything else would amount to half-assed legislating.''

Let me repeat that. He said that new legislation would have to go through committee ''because anything else would amount to half-assed legislating.''

What is this, if it isn't what the Speaker has already described as half-assed legislating? We have got a bill before the Senate that nobody has seen. We have a bill before the Senate that hasn't gone through committee. No one has had the opportunity to consider it carefully. I hope my colleagues will hear me out on this. In fact, we have just heard and been told, and now it has been confirmed, that the conference report we are about to vote on

tomorrow literally eliminates the minimum wage for 6 months—eliminates it because of a glitch in the writing of the bill. We are eliminating the minimum wage for half a year in this legislation, totally. We are not rolling it back. We are not freezing it. It is eliminated.

I know our Republican colleagues had no real desire to eliminate the minimum wage, but that is what is in this legislation. Why? I think the answer is clear. Because the Speaker described it—I won't repeat it again and again but I think he had a very apt description for what we are doing right now. We are not going through committee. We are not going through the legislation on the floor. We are not going through a normal conference.

Let me start by saying what this is really all about is fairness. This is about fairness. It is about whether we are fair to a process and whether we are fair to all Senators who ought to have an opportunity to more carefully consider a $240 billion tax cut. It is about whether or not fairness would dictate that, if we are going to address a bill as important as restoring some of the payments through Medicare for all the health facilities in this country, we would have a chance to look at it; that we would have a chance to be consulted about it; that we would have a chance to voice our concerns about it and ultimately to have a chance to put the bill together in a way we can bring it back to the Senate and House with some expectation that there has been this deliberation. That is fairness.

I hear the Republican candidate for President, Governor Bush, talk, as he should, about the need for bipartisanship. If he says it once, he says it 10 times a day: I want to restore bipartisanship.

I must say, why wait until next year? Why not do it now? What is wrong with a little bipartisanship in putting a tax bill together? What is wrong with a little bipartisanship in ensuring that as we write a Balanced Budget Restoration Act that we have Republican and Democratic input? That is bipartisanship.

We have had a lot of bipartisan votes this year. We have the votes, now, to pass a Patients' Bill of Rights. That is bipartisanship. We have had Patients' Bill of Rights votes throughout the year. We have a bipartisan bill. We have had a bipartisan bill on a number of pieces of legislation relating to education, a bipartisan bill on minimum wage, a bipartisan bill on gun safety. Every time we have a bipartisan bill, the Republican leadership is not willing to allow the process to be complete. So there is no bipartisanship, whether it is on all the issues upon which we have already voted or whether it is on this bill tonight. None. Zero. No consultation.

This is about fairness. It is also about fairness when it comes to the issues we are talking about in the bill itself. I am very troubled by the amazing and extraordinarily complex ways our colleagues on the other side of the aisle have attempted to address many of the issues before us in this bill. We have not seen, until just this afternoon, what the tax bill entails. But we are told the tax bill has provisions incorporated that allow the bottom 60 percent of all taxpayers to receive only 5 percent of the tax benefits—60 percent of all taxpayers get 5 percent of the benefit. That is an unfairness as well.

We hear so much debate at the national level, at the Presidential level, about making sure everybody benefits. How is it the top 40 percent should get 95 percent of the benefit, once again? And why is it we have to insist that, in situation after situation involving tax fairness, it has to be a fight about whether or not we can equitably distribute the benefit? Once again, each and every time the minimum of what you would expect for working families is left off the table. I do not understand why we cannot be more fair when it comes to tax policy and distribution. But for 60 percent of the people to get 5 percent of the benefit is not fair.

It is not fair as well to be sending millions of children to schools that are in a total state of disrepair. I do not have the number in front of me, but I will tell you this: 76 percent of all the school districts in this country have at least one school building that is in a state of disrepair. There are hundreds of billions of dollars in backlog all over this country with regard to school construction. We have had problems with infrastructure all over our State. My State is not unique. There is not a State in this country that has been able to adequately and satisfactorily address the problems with regard to school construction—not one.

What we have said is let's take at least a modicum of the responsibility. My goodness, if we can pass highway construction bills and courthouse construction bills and airport construction bills and all the array of other housing construction bills at the Federal level, certainly we can help school districts help build better schools. What is wrong with providing them with some tools, financially, to get that job done? If this fight is about anything tonight, it is about that. It is about our inability to address in a meaningful way real school construction this year.

We had asked for a $25 billion commitment on the part of the Federal Government and this bill falls far short of the mark. And the President said on that basis alone he would be prepared to veto this bill. If we do not fix the school construction bill adequately in this legislation, it will never be signed. That, too, is a question of fairness—fairness for those school kids who must face the fact each and every day that their safety and the quality of their education is dictated by the crumbling school they must enter each and every day they come. That is wrong. That is unfair. That ought to be addressed in this Congress before we leave. And whether it is in this tax bill or in the education funding that has to be appropriated prior to the time we leave, we have to fix it. We have to address it.

There is also, as I noted earlier, a serious question relating to the fairness of the BBRA, the Balanced Budget Reform Act. We know what limited dollars we have. We recognize this may be our last shot. This may be our last real opportunity to send as much help out to the States as we can possibly provide if we are going to solve the problem of nursing homes, solve the problem of hospitals and clinics, solve the problems of hospice. Whether or not we are able to get that job done depends on whether or not we can adequately address it in this bill.

But what did our Republican colleagues do? They spent $28 billion over five years, more than a third of which goes to HMOs who have already indicated, with or without the money, they are pulling out of Medicare in many States. They will not be influenced by this legislation or by the incredible price tag this legislation holds for them.

I must say, I don't get it. We all claim to be concerned about the threat to the surplus that we have so carefully been able to amass over the last couple of years. We have all indicated that is our highest priority, to assure that we can retain the fiscal responsibility this year, next year, and from here on out. Yet we pass a bill that includes a gift of more than $11 billion to HMOs in the name of trying to keep them in Medicare in States when they have said they will not stay in those States regardless of how much we pay them, ransom or not. There is an $11 billion ransom payment in here and it is not going to help one State.

The problem we have is that it is taking money away from nursing homes. It is taking money away from hospitals. It is taking money away from hospice. It is taking money away from clinics. I do not understand, in the name of fairness, why we can't appreciate how extraordinarily important this is.

This is a question of fairness. It is a question of being fair to the nursing homes and hospitals which are hanging on by their fingernails tonight, hoping we can do the right thing in providing them with the assistance they need in fixing the mistake we made in 1997. It is a question of fairness about whether or not we are going to provide tax benefits to all the people, not just to those at the top.

It is a question of fairness with regard to whether or not schools are going to have the kinds of funds they need to ensure they have the ability to build the schools our children need today; not tomorrow, today. It is a question of fairness whether or not we can do what Governor Bush, Vice President GORE, and so many of those out there seem to be talking about each and every day: restoring some semblance of bipartisanship in this

body, in the Congress, and in the Federal Government.

We have fallen so far off that mark. There is not anything bipartisan about this package. There is absolutely nothing in here that even begins to appreciate the need for a bipartisan consensus, and here we are tonight, 26 days after the fiscal year began, with a veto of a bill that should have been resolved months ago.

It is not only unfair, it is incredibly bad management. We can do better than this, Mr. President. We have to do better than this. We have to do better than this in restoring some sort of comity, some sort of cooperation, and some sort of dialog when we take on bills of this import. We have to restore fairness if we are really going to address tax legislation this year.

Fairness dictates that we have a school construction program of which we can all be proud. Fairness demands that we find a better way to solve the BBA problem than we have in this bill. We need fairness. We need attention to those issues. We need to resolve it before we leave. We need to do it tonight, tomorrow, Sunday, Monday, however long it takes. We have to do this before we leave.

We will have more to say about this.

Mr. WYDEN. Will the distinguished minority leader yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Oregon.

Mr. WYDEN. I thank my colleague. Mr. President, I think Senator DASCHLE has given an excellent statement tonight and has come back to what I think is the central concern of our time, and that is that the people of this country want to see bipartisan cooperation on all the central matters that are before the country.

I want to ask the Senator a question about the process. I will be very brief because I know the Senator from Missouri has been anxious to talk and has been very patient.

The tax legislation before us directs Federal law enforcement officials to criminalize the pain management decisions of our health care providers in an effort to throw Oregon's assisted-suicide law into the trash can. More than 50 major health organizations have said that they oppose this effort in this legislation because they believe the bill before us is going to have a chilling effect on pain management.

I am going to have a whole lot more to say about this subject tomorrow. Tonight I will be very brief. It seems to me what Senator DASCHLE is saying tonight—and I am interested in his thoughts—is that on an issue such as this, one of the most important bioethical decisions of our time, what the Senate ought to do is have a real debate, a real discussion, a chance to work in a bipartisan way rather than proceeding as we are now to establish new rules on one of the most sensitive, ethical, and social issues of our time without any opportunity to review it or modify it.

Is the Senator from South Dakota just saying he wants Government to operate in a fashion along the lines of what the American people expect on these central and very difficult issues?

Mr. DASCHLE. Mr. President, the Senator from Oregon has stated it so succinctly and so correctly. That is exactly what I am saying. He has noted the extraordinary nature of the provision he has cited. There is a great deal of controversy involving the issue, and I give credit to those in Oregon who have tried to grapple with the very personal issue of suicide and physician-assisted efforts involving suicide.

As he has noted, a large number of organizations have publicly stated their support for the Oregon law, but the real question is not whether one agrees with the Oregon law or one does not agree. The question is, On a question of this controversy, of this import, of this breadth, should we be forced at 8:15 tonight to be talking about it without having had the benefit of discussion in the full Senate up until now?

Not only that, should we take it on a take-it-or-leave-it basis? This has been buried in a bill having nothing to do with physician-assisted suicide. This has a lot to do with taxes. It has a lot to do with school construction. It has a lot to do with health care. It has nothing to do with physician-assisted suicide, and at the last minute, our Republican colleagues put it in there, buried it in the bill and now want us to vote on it, up or down, no debate.

That is incredibly bad management. That is so unfair, not only to us—we ought to have the opportunity—but to Oregon, to the country, to the issue. That is what troubles me perhaps most of all: Once again, they have denigrated the institutional process in ways I do not think anybody can fully appreciate. Something as important as this should have its day in court. There should be a debate about it. I am sure in Oregon they spent a lot of time debating, considering, and consulting prior to the time they came to any conclusion. We should do no less.

The Senator from Oregon is absolutely right. That is in part what this is about.

Mr. WYDEN. Mr. President, if the minority leader will yield again briefly, as someone who opposes assisted suicide—and I have talked to almost all of our colleagues—I know there is very strong feeling in the Chamber, just as the minority leader has said in his thoughtful statement. There ought to be a way to oppose assisted suicide without setting in place a Federal law enforcement regime that will harm pain management.

I ask the minority leader, as we go forward in this debate, because I intend to talk for a long time about this tomorrow, is it the Senator's desire that at least we could try tomorrow to have a discussion on this extraordinarily important social and ethical question?

Mr. DASCHLE. I respond to the Senator from Oregon, since it is part of this legislation, I think it dictates that we have a lengthy discussion about it. Certainly we have to make sure that everybody understands the ramifications of all the provisions.

Again, in the name of fairness, we ought to be providing those Senators who have a great deal of interest in this issue and who certainly know more about it than many of us who have not been exposed to much of the debate to date, that we have some discussion about it. Again, it goes back to the Speaker's comments in the first place. You can do it the right way or you can do it the way they have done it tonight. We have done it wrong tonight. People like the Senator from Oregon, like the Senator from Nevada—all of us—deserve better. The people deserve better. We are going to insist that they get better than what they have been given so far.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Missouri.

Mr. BOND. Mr. President, I am going to make some comments about the conference report that is before us, but perhaps it would be advisable to set the record straight. I agreed to allow the minority leader to go first as a courtesy to him. There are many things he said that I believe reflect a viewpoint many of us on this side of the aisle do not share.

I would only note that when we talk about bipartisanship, it was our understanding that the leadership on both sides, for example, agreed we would get 10 appropriations bills passed out of the Senate before the July recess. Due to the extensive debate and extended dilatory activities engaged in on this floor prior to our August recess, to get something like the fifth, sixth, and seventh bill before us, we had to invoke cloture.

Now, to me, that is not a mark of good bipartisan cooperation. We have been stalled for many months. There have been examples where we have worked on a bipartisan basis.

In another role, I express my appreciation to my colleagues on the Democratic side of the aisle for getting our Veterans Affairs, Housing and Urban Development bill passed. I think we have worked on a bipartisan basis there.

But with the problems we are having with the appropriations bills, the problems we are having throughout, I do not think the other side can say we have been the ones who have refused to operate in a bipartisan manner.

I heard reports from the majority leader, for example, of the contacts made to him by the President of the United States, a Democratic President, about this bill and about the measures in it.

If you look at this bill, a lot on my side of the aisle do not like it because it has so many of the priorities that our Democratic friends wanted. If this were strictly a Republican or a partisan bill, I do not think you would see

the minimum wage in its current form; you would not see the community renewal, a massive new Federal Government program.

Frankly, with all the spending the President has requested in the Labor-HHS appropriations bill—and the President is now requesting more spending in that bill than his initial budget request—to add, as this bill does, some $16 billion for school construction, which is two-thirds of the President's request, I think is a major step towards helping in this new area, which traditionally has been the responsibility of the local school districts.

We have heard there is a desire for more and more spending. That is not surprising. That is the habit of our friends on the other side of the aisle. They have never seen a tax surplus they did not want to spend. Tax cuts are very unpalatable to them. But we want to leave some of the taxes in the pockets of the people who earn them.

I have not seen the figures—I do not know the study the minority leader came up with to say that 60 percent only get 5 percent of the tax cuts—but I think, if my memory serves me correctly, the lowest income 40 percent of the population do not pay any income taxes. I imagine the lowest 60 percent probably pay not more than a couple of percent of the total tax burden.

Now that is not to say there has not been some fuzzy math with respect to the figures we presented, but only to say that if you are going to have tax cuts, the people who get the tax cuts are going to be the people who pay the taxes. It sounds logical, sounds simple, but that is the fact of the matter.

I might add, also, that small rural school districts will be benefited in school construction because their exemption has been raised from $10 million to $15 million.

When we hear talk that the Democrats have not had anything to say about this, the tax bill includes bills that have already been voted on and passed, been voted out of the House, been voted out of the Finance Committee. Certainly the small business portion of the bill, which I am going to talk about, has been passed, as usual, out of the Small Business Committee on a unanimous vote, a bipartisan vote.

If I remember correctly, when the bills that are included in the small business section came before this body, there was only one dissenting vote, and that was on my side of the aisle.

But if there is ever a bipartisan measure, it is the measures we have reported out of the Small Business Committee.

On the Retirement Security and Savings Act of 2000, when the House passed the pension bill earlier this year, it was a vote of 401–25. It was reported out of the Finance Committee last month by a unanimous vote. I was not there for the vote, but I assume there were some Democrats there—there usually are—who voted for it unanimously.

So it stretches credulity beyond any acceptable measure to say that this does not incorporate measures adopted and supported by our colleagues on the other side of the aisle—certainly measures demanded by the President.

We had a caucus on our side, and many people thought it would be difficult to vote for a bill because there were so many priorities from the Democratic side. But under the measure that has come before us, there are clearly many important Democratic priorities.

Excuse me, I misspoke a few moments ago when I indicated what the percentage of total taxes was paid by the lowest income taxpayers. The lowest income taxpayers, the bottom 56 percent pay 6 percent of the taxes. So that is roughly the figure.

H.R. 2614—CONFERENCE REPORT

Mr. BOND. Let me move to the bill before us. It has been thoroughly covered with faint praise. Maybe it deserves a hearing in its own right before this thing gets pasted all over the place. I would like my colleagues and our constituents to know what is in it because I think there are some good things in it.

The conference report on H.R. 2614, the Certified Development Program Improvement Act, has grown over the past week to include not only a 3-year reauthorization bill for the Small Business Administration, but it includes extensive tax legislation, provisions to reform and improve the Medicare program, and, as I mentioned, pension reform. We might call this bill ''Small Business and Friends.'' A lot of important luggage is being carried on the train that our little small business bill is pulling.

As chairman of the Committee on Small Business, I will comment first on the Small Business Reauthorization Act of 2000. This is, as I said before, the result of many months of work by the Senate and House Committees on Small Business. The bill is the conference agreement to reauthorize most small business programs at the Small Business Administration, and it reauthorizes the Small Business Innovation Research Program.

To summarize the provisions briefly, this includes an 8-year reauthorization of the Small Business Innovation Research Program, the SBIR Program. This program was initially implemented in 1983 and allows Federal agencies to award research grants and contracts to small research firms. This is vitally important to develop the capacity in the economy as a whole, and the country as a whole, to do high-quality research needed by the Federal Government.

Some 50,000 SBIR awards have been made since the inception of the program. It contains measures to ensure that small businesses receive the appropriate allocation of Federal R&D funds, to require that agencies retain more comprehensive information on the program's operations that will improve its management, and to protect the intellectual property of the small businesses that participate in the program.

The conference report also establishes what we call the FAST program, a matching grant initiative to provide incentives to States to assist in the development of high-tech small businesses.

We have noted, particularly those of us from the heartland, that companies on the east and west coasts generally receive the vast majority of SBIR awards, while companies in the South, Midwest, and Rocky Mountain States receive proportionally very few awards. Out in the heartland, we, too, have technology. We have research capabilities. The FAST program will help even out the concentration of the awards by providing wide latitude to States to provide the type of help their high-tech businesses need to succeed and create high-paying quality jobs for their citizens.

The Small Business Reauthorization Act of 2000 also includes a comprehensive reauthorization of the credit and management assistance programs that are included in the broad umbrella of small business programs administered by the SBA. The omnibus bill includes the flagship 7(a) guaranteed business loan program, the Small Business Investment Company program, and the Microloan program. Certain improvements were made to the Microloan program championed by the ranking member of the Committee on Small Business, the distinguished Senator from Massachusetts, Mr. JOHN KERRY. The Microloan program has been expanded. We also included aspects which will be especially beneficial to women-owned small businesses across the United States.

In addition, this extensive legislation would reauthorize and make improvements in the management assistance programs, including the SCORE and Small Business Development Center program. As a result of the continuing oversight responsibilities of the Committee on Small Business, the bill includes a significant improvement package for the HUBZone program. This is a program which I was pleased to present and have adopted by Congress, signed by the President, that provides set-aside contracts to bring jobs and economic opportunity to areas where there has been high unemployment and high poverty. This is a geographically based program, which actually takes the jobs to the communities that need them to help people get from welfare to work by using the power of the Federal Government as a purchaser to create business opportunities.

First and foremost, the bill, H.R. 5545, addresses the inadvertent exclusion of Indian tribal enterprises and Alaska Native corporations from the program. These provisions resulted from extensive negotiations between

the Committee on Small Business, the Committee on Indian Affairs, and the Alaska congressional delegation. The HUBZone section of the bill also seeks to clarify the effects of the HUBZone price evaluation preference on commodity procurements in which the range of bid prices tends to be small, and the HUBZone price evaluation preference would be overwhelmingly decisive.

In addition, the legislation makes other improvements and clarifications in a variety of SBA programs to make them more effective. For example, there has been some confusion among the Federal agencies about contract preferences for service-disabled veterans. This bill would make it absolutely clear that service-disabled veterans are on the same preference level as the small disadvantaged businesses and women-owned small businesses for Federal contracting opportunities.

The conference report incorporates the new market venture capital program of 2000. The purpose of this program is, similarly, to promote economic development, new investment, and job opportunities in low-income areas. It accomplishes this goal by providing incentives to encourage small venture capital firms to invest in targeted low-income communities and economically distressed inner cities and poor rural counties.

This is a program that has been developed with bipartisan support. This is certainly something that will assist us in this country in getting more people off of welfare, making sure that job opportunities go to the places and the people who most need them.

When the Congress enacted my HUBZone legislation 3 years ago, it established the Federal contracting incentives to lure small businesses into distressed cities and rural counties. I believe this new market venture capital program will add an additional building block in our strategy to make sure these economically distressed areas are attractive to small businesses and that they will be able to bring job opportunities and new vitality to these historically neglected areas of the Nation.

As everybody now has heard from the other side, the conference report does deal with taxes. I believe it is a great victory for the American taxpayers. The tax portion has four sections. First, the legislation includes the Foreign Sales Corporation Repeal and Extraterritorial Income Exclusion Act of 2000. I can see that is going to be a real winner. That title really rolls off your tongue, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000. That one will be a winner. But it is must-do legislation, seriously. We have to do it by November 1, if we are to avoid a potential trade war—at least sanctions —with the European Union.

Second, the conference report includes a House-Senate compromise on the Retirement Security and Savings Act of 2000, which has enormous bipartisan support, having passed the House earlier this year by a vote of 401–25 and being reported out of the Senate Finance Committee by unanimous vote. That legislation includes sweeping changes encouraging retirement savings, expanding pension coverage by increasing contribution limits on IRA and other types of pension plans, increasing portability, and providing meaningful relief for women who often take time off to raise their families. And it contains a number of provisions to reduce regulatory burdens that are very excessive and will be especially helpful to small businesses, our constituency in the Committee on Small Business.

The third part of the tax portion of the conference report is a minimum wage increase and a package of small business tax provisions. I raised questions about raising the minimum wage when it first came here. I think it can be detrimental to small business. I do not believe it is good economics. We know it is good politics. It is always nice to promise somebody a raise, particularly when you don't have to come up with the money that they are being paid. This is great election year politics. I know everybody wants to do something. It makes you feel good to give somebody a raise out of someone else's pocket.

The problem is, right now it probably won't hurt small businesses too much because most small businesses I know of, if they are hiring reasonably competent workers, have to pay well over the minimum wage. The real downside is that the very people it is supposed to help are the ones who may not get the jobs. Right now we see people who have never had a job before, teenagers, first-time employees, perhaps persons with disabilities, often minority students coming out of college, have trouble getting jobs. If the minimum wage is raised, we may see in the United States, as we do in Europe, high unemployment among teenagers.

What the minimum wage does is make it very difficult to get on the first rung of that ladder of economic progress. It is like putting grease on that first rung of the ladder and saying, boy, this is going to make it easy to slip onto that first rung. Unfortunately, the grease on the first rung of the ladder too often slips people off, when businesses find they just can't make a profit, hiring people at an inflated minimum wage.

I hope we will continue, as a result of the economic and fiscal restraint of the Republican-led Congress, if we can keep the economy going as it has since the Republicans took control of the Congress beginning in 1995, we hope that wages will continue to go up and productivity will continue to go up so we don't need the minimum wage. If the time comes when there are tight economic times, the victims of the increased minimum wage will be the small businesses, the smallest businesses, the ones with the lowest profit margin and the most needy workers, the workers very often not supporting their families but trying to get on the first rung of the economic ladder so they can build a bank account and make enough money to start a family.

In addition to the minimum wage, however, there are small business advantages from this bill. I appreciate the work of Chairman ROTH to include a significant package of small business tax relief items, including something that has been my top priority since we began in 1995, and that is 100 percent deductibility of health insurance for the self-employed starting in 2001. I have been working on it for over 5 years to ensure that the self-employed are on a level playing field with their corporate competitors.

In the past we said, you can have it, but it was 2007 and then 2003. A lot of self-employed people said: That is nice, but I can't wait until 2007 or 2003 to get sick. Well, now I hope we will have it in 2001, so they will be able to afford the health insurance for themselves and their families. Coupled with a new above-the-line deduction for employees who pay for the majority of their health insurance costs, we will now reach more than a million of the uninsured and help them get the coverage they need and deserve.

Second is a repeal of the Clinton-Gore installment limitation, which has been an unforeseen barrier to small businesses looking to sell all or part of their business assets, in many cases to fund the small business owner's retirement.

Third, a clear safe harbor for small businesses to use the cash method of accounting. This has been a real nightmare for the smallest businesses, to have to come up with accrual accounting. They are in business to make widgets or sell hamburgers, not to be accounting specialists who have to come up with an accrual system. Now small businesses with gross receipts under $2.5 million can continue to use cash accounting. It also lets the IRS know that it can stop its campaign to force small businesses into using the more burdensome accrual accounting rules.

We will increase expensing of equipment up to $35,000 per year, which will reduce compliance costs by allowing small firms to deduct purchases rather than setting up elaborate depreciation schedules to figure out how to deduct them over many years.

Something we are proud of, particularly in the Ninth Congressional District in Missouri, which is represented by my colleague on the House side, who has been a champion of this measure, and my Senate colleague to the north, Senator GRASSLEY, is the new farmer, fisherman, and ranch risk management accounts —the FFARRM accounts— which permit farmers, fishermen, and ranchers to make tax-deductible contributions of up to 20 percent of the income in good years for use during subsequent economic declines. The bill

also provides important alternative minimum tax—or AMT—relief for farmers who use income averaging, and it extends the work opportunity tax credit through June 30, 2004.

The fourth component of the tax package is the Community Renewal and New Markets Act of 2000, which is intended to reinvigorate our distressed communities. This portion of the legislation includes the House-Administration compromise on empowerment zones/renewal communities and new markets tax credit, which creates 40 renewal communities and 9 empowerment zones.

This certainly was not my recommended legislation, but this was part of the bipartisan compromise we reached with the President and incorporated it in the bill. These renewal communities would have a zero capital gains rate, and the legislation creates a new-markets tax credit for equity investments in qualified low-income communities. The goal of this program is to bring the innovation and creativity of America's businesses—and especially small businesses—into these renewal communities to make real economic change for the future.

The legislation also increases the low-income housing tax credit and private-activity-bonds volume caps, which are key financing features for renewal communities. They included provisions to help clean up brownfields by allowing expensing of brownfield cleanup costs, except Superfund sites, through 2003. That is good for communities and for the environment.

These four core components of the tax package provide important tax relief for Americans throughout our economy.

The legislation also addresses several other priorities, such as the school construction bond provision which I have already mentioned. This is another avenue to address construction and modernization needs without a Federal stranglehold. It is my belief that local school districts know best how to address their needs. While providing them this assistance, it keeps the Federal camel's nose out from under the tent.

The adoption tax credit, which is very important and has been addressed previously on the floor, is to encourage loving families to adopt children. It also makes other strides toward improving and reforming our Tax Code as which we are going to have to rely. The White House leadership, next year, I believe will complete that work.

Medicare. This legislative package addresses the problems caused by the Balanced Budget Act of 1997, as implemented with the chronic incompetence of the Health Care Financing Administration. I have heard time and time again health care providers talk about what is happening to them under the BBA. When you ask the questions, you find out it is how HCFA has implemented the BBA. They have used the BBA to cut far more than Congress ever mandated.

What they seem to want to do is to cut out choice for patients—cut out the choice they have of going into a Medicare insurance plan such as we have or an HMO plan as is available to FEHBP members; it puts out their choices to use home health care.

HCFA has gone about doing everything in its power to collapse the present system. I guess—and I can only surmise —that they would like to see the kind of health care plan that was so infamously run up the flagpole in 1993 without getting any salutes.

I remember hanging around here in August of 1993 as they talked about Mrs. Clinton's health care plan and kept waiting for somebody to try to introduce it and get a vote on it. But as we looked at that June bug longer and longer, as people got to look at it more and more, the minimum amount of enthusiasm I saw initially grew even less. But HCFA has never given up. By killing off parts of our health care system one at a time, they hope maybe we can have a totally Government-run health care system.

The Vice President on the campaign trail has said he hopes to be able to go to a European system within a few years. Well, if you let HCFA in control long enough to kill the existing health care system, there may not be anything left.

This Medicare bill, just very briefly, provides benefits to patients and providers worth $32 billion, benefits for nearly 40 million Americans relying on Medicare. Glaucoma screening, colonoscopy screening, mammography, nutrition therapy services for some patients, additional coverage of immunosuppressive drugs —all have been added to the Medicare program. Help for just about every type of Medicare provider to allow them to continue to provide high-quality care to seniors and the disabled. Hospitals, particularly rural hospitals, home health care, nursing homes, hospice providers, and Medicare HMOs that have been driven out of the field by cuts, and targeted help for particular health care providers that are most in need. As one who lives in a rural community, the bill targets $1.7 billion for rural health care providers to help them deal with the unique challenges of rural health care, which I think is very important.

More than $6 billion to Medicare HMOs will help address the widespread withdrawals from the Medicare program we have seen in the last couple of years.

Why have HMOs been leaching Medicare? Not because they are evil incarnate, as some would have us believe. If that were the case, the seniors losing their HMO coverage would not be so upset. No, these providers left because the payment system for HMOs is seriously flawed and in many areas has provided inadequate reimbursement. This new funding will address this issue.

Approximately $1.5 billion in assistance to home health care providers. Home health care patients have, by far, borne the greatest brunt of HCFA's maladministration of the BBA. They were supposed to save $16 billion over 5 years, and they are on the path to save $55 billion to $60 billion by eliminating too much of home health care and making it unavailable. It has been devastating. Tens of thousands of seniors previously receiving home health care lost it during the crisis of the last few years. The bill postpones for 1 additional year the potentially devastating 15 percent cuts which are addressed in this legislation. They would be the death knell of home health care.

Next year, we need to get rid of that completely. We need to get a brand new Medicare system, such as the bipartisan deal that was worked out in the Breaux-Frist commission before the White House pulled the plug on it.

Finally, this bill helps community health centers, the clinics that exist in more than 3,000 urban and rural medically underserved areas nationwide, ensuring that they continue to receive adequate reimbursement from the State Medicaid programs so they can pursue their mission of providing care to those Americans who would otherwise not get any.

There is a long list of more than 40 organizations, led by the American Hospital Association, supporting this legislation.

I ask unanimous consent to have a letter from the AHA to Chairman BILL THOMAS on the House side listing the letters of support for the provisions printed in the RECORD at the end of my remarks.

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

(See Exhibit 1.)

Mr. BOND. Mr. President, overall I believe this is an excellent package that is badly needed by seniors, the disabled, hospitals, nursing homes, and other providers.

Finally, we have already had a lot of discussion about the Pain Relief Promotion Act. Obviously it is controversial. The bill simply amends the Controlled Substances Act to prohibit the use of federally regulated drugs to help his or her life.

Let me be clear about that. Simply put, this would prevent any effort to assist in a suicide by using controlled substances such as powerful pain killers. The bill goes further in its efforts to provide appropriate relief to people suffering great pain. It provides a variety of provisions and educational programs to encourage appropriate pain relief. Indeed, under this legislation for the first time ever the Controlled Substances Act would explicitly recognize that aggressive pain relief is an appropriate and fully warranted use of controlled substances.

I believe a vast majority of Americans share a simple belief—that I hold very strongly—that doctors we rely on to nurture and extend our lives should not be party to efforts actively to promote someone's death. The bill simply recognizes that consensus.

It looks like we are going to have lots of discussion and have an opportunity to hear many different views on this legislation. But before we paint it as the most ugly duckling coming down the path, I thought my colleagues and those who may be watching or listening still at this late hour would like to know that there are some beautiful limbs and beautiful facets of this that are very important bipartisan measures.

I hope we can pass this because there are many priorities that the President has asked for, that leaders on the Democratic side have asked for, and I believe our side wishes as well that are beneficial to a great number of American people who are waiting for our response.

I thank the Chair. I apologize to my colleague from Nevada whom I misled into thinking that it was going to be a short set of remarks.

EXHIBIT 1

AHA, ADVANCING HEALTH IN AMERICA,
Washington, DC, October 26, 2000.

Hon. BILL THOMAS,
Chairman, Subcommittee on Health, House Ways and Means Committee, Washington DC.

DEAR REPRESENTATIVE THOMAS: On behalf of the 5,000 members of the American Hospital Association (AHA), I am writing to express our views regarding the ''Beneficiary Improvement and Protection Act of 2000'' (BIPA). We believe this legislation will take another step forward in addressing the unintended consequences of the Balanced Budget Act of 1997 (BBA). Consequently, as we approach the remaining hours of the congressional session, we are urging Members to vote in favor of this legislation, and have recommended that the President not veto the legislation.

As we understand the provisions of the legislation, it includes a number of provisions that provide much needed relief to hospitals and health systems throughout the country. Such provisions include: a full market basket inflationary update in FY2001, and elimination of half of the reduction in FY2002; temporary elimination of the reductions in Medicaid DSH state allocations in FY 2001 and 2002, and allow the program to grow with inflation in those years; increase the adjustment for Indirect Medical Education to 6.5% in 2001 and 6.375% in FY 2002, and establish an 85% national floor for direct Graduate Medical Education payments; equalize payments to rural hospitals under Medicare DSH; increased flexibility for critical access, sole community, and Medicare dependent hospitals; increased bad debt payments from 55% to 70% for all beneficiaries; and a full market basket update for outpatient hospital services.

The bill will also provide relief to home health agencies and skilled nursing facilities. As our members operate approximately one-third of the home health agencies and one fourth of the skilled nursing facilities, relief in this area is also vitally necessary, and is an important feature in the bill. In addition, the bill includes important beneficiary protections, particularly the execrated reduction in beneficiary coinsurance for hospital outpatient services.

At the same time, we are disappointed that certain provisions we have advocated, such a full market basket increase in FY2002 for both inpatient and outpatient hospital services, complete elimination of the impact of the BBA's reductions in Medicaid DSH, and maintaining the IME adjustment of 6.5% beyond FY 2001, were not included. We are also concerned that additional reductions in the hospital inpatient market basket in 2003 were included in the bill. We look forward to working with you in the next congress to achieve these additional changes.

Again, we appreciate your efforts to achieve additional BBA relief this year.

Sincerely,

RICK POLLACK,
Executive Vice President.

MEDICARE, MEDICAID & SCHIP IMPROVEMENTS ACT OF 2000—LETTERS OF SUPPORT

Federation of American Hospitals,
National Association of Community Health Centers,
American Medical Rehabilitation Providers Association,
HealthSouth,
National Association of Long Term Hospitals,
Acute Long Term Hospital Association,
National Association of Children's Hospitals,
Kennedy Krieger Institute,
National Association of Rural Health Clinics,
National Association of Urban Critical Access Hospitals,
American Medical Group Associates,
Mississippi Hospital Association,
Tennessee Hospital Association,
The University of Texas System,
National Association of Psychiatric Health Systems,
Healthcare Leadership Council,
National Association for Home Care,
American Association for Homecare,
American Federation of HomeCare Providers,
Alliance for Quality Nursing Home Care,
American Association of Homes and Services for the Aging,
Visiting Nurses Associations of America,
National Hospice and Palliative Care Organization,
National PACE Association,
Association of Ohio Philanthropic Homes, Housing and Services for the Aging,
John Hopkins Home Care Group,
Patient Access to Transplantation Coalition,
LifeCare Management Services,
American Cancer Society,
Alliance to Save Cancer Care Access,
Intercultural Cancer Center,
The Susan G. Komen Breast Cancer Foundation,
National Kidney Foundation,
The Glaucoma Foundation,
Juvenile Diabetes Foundation,
National Multiple Sclerosis Society,
American College of Gastroenterology,
American Academy of Ophthalmology,
American Optometric Association,
American Dietetic Association,
American Association of Blood Banks/America's Blood Centers/American Red Cross,
Association of Surgical Technologists,
AdvaMed,
GE Medical Systems,
Landrieu Public Relations,
National Orthotics Manufacturers Association,
American Orthotic and Prosthetics Association,
UBS Warburg.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Missouri did not mislead me. He never has. The fact is, he didn't contemplate our leader coming forward and saying a number of things that the Senator felt deserved a response. I enjoyed listening to the Senator from Missouri, even though I may not have agreed.

Mr. President, first of all, just a couple of comments on what my friend from Missouri just said.

With the pension provision in the bill—now some $64 billion—it is true there was some action taken in the Finance Committee. But not a single second was spent on this floor dealing with the $64 billion provision which is jammed into this bill.

On the budget amendment, $80 billion—nothing in finance. In fact, the chairman of the Finance Committee said he would allow a vote in the Finance Committee if all the Members promised not to bring up prescription drugs in any way, or Patients' Bill of Rights. The minority would not agree to that. It seems totally reasonable in the Finance Committee that this is something that should have been brought up. As a result of the chairman's action, the matter was not brought before the Finance Committee. And again this $80 billion matter received no floor consideration.

New markets initiative: $25 billion—nothing in the Finance Committee; no action taken on the floor.

Keep in mind that I have gone over just a few things; in fact, three. We are already up to about $200 billion, and not a single minute spent on the Senate floor with $200 billion of the taxpayers' money. That doesn't take into consideration foreign sales. That is $4.5 billion. The Finance Committee spent a little time on that; nothing on the floor. Why? Because the outlandish proposition was made that if this came to the floor, someone was going to offer an amendment. Pardon me. But isn't that what the Senate is all about? People have a right to offer amendments to pieces of legislation. But because there was this terrible threat that on a piece of legislation a Senator will offer an amendment, we have no floor action on it; again, $4.5 billion.

I also say there is going to be plenty of debate tomorrow on a number of these issues. But on this bill itself, there has been no conference and no Democratic involvement at all in bringing this bill to the point where it is. The Democrats were not even allowed to see the document until it came here.

These are members of the Finance Committee. One of the most bipartisan and, I would say, nonpartisan people I have ever worked with is the senior Senator from Louisiana, JOHN BREAUX, a senior Member of the Finance Committee. He was not allowed to look at any of the papers. He was not happy about that.

Today the bill was dumped in our lap.

I would also say about the assisted suicide that there will be lots of debate on it tomorrow. The Senator from Oregon, Senator WYDEN, feels very strongly about this, as he should. Why? It doesn't matter how you feel on this

issue. The fact is that the voters in the State of Oregon said we feel this way on assisted suicide. As a result of the people of Oregon passing a law in the State of Oregon, we now have this action.

It seems to me those who keep talking about States rights should leave a State alone. People of the State of Oregon voted a certain way. If you disagree with what the people of the State of Oregon did in voting in favor of assisted suicide, then let's at least have the ability on the Senate floor to debate the issue which we have been prevented from doing.

My friend from Missouri, for whom I have the greatest respect, talked about health care.

They always throw in the 1993 Clinton health care plan. Let's bring this down to reality so people really understand what this is all about.

When the health care debate started, 80 percent of the people of America favored reforming the health care system. But then comes Halloween and the masquerade by the health insurance industry. They spent over $100 million trying to abuse and frighten the American people. They succeeded beyond anyone's wildest dreams. They were probably even surprised on how they succeeded in frightening the people of America with their Harry and Louise ads and with their clever manipulations.

As a result of that, we got no health care reform because after they did their television and radio advertising, 80 percent of the people in America didn't want health care reform. They were frightened. They were confused.

That doesn't take away from the fact that we now have 45 million people with no health insurance. It doesn't take away from the fact that we have many people who have insurance that gives them minimum and inadequate rights. That is why we tried to pass the Patients' Bill of Rights—to give patients certain rights.

THE NOVEMBER ELECTION

Mr. REID. Mr. President, my friend from Missouri not so subtly indicated that he thinks there is going to be a new world out there after the November 7 election. I think he is going to be very disappointed. He is going to be disappointed because the American people understand the record of George W. Bush better each day.

For example, the prescription of George W. Bush for health care, I think, is bad medicine for America. Why? Because the State of Texas and George Bush have the worst record in the nation on health insurance coverage. That says a lot. But he has won that award; just like Houston is the most polluted city in America. He won that award. He also wins the award for the worse health coverage in America. Texas has fallen to last among all States in overall health insurance coverage. Texas ranks second to last in health insurance coverage for children, and the percentage of children without coverage has gone up under the Governor.

While nationwide Medicaid enrollment has increased, Medicaid enrollment in Texas has declined.

George W. Bush retains roadblocks to eligible populations in health programs. Even a judge found Texas guilty of not providing 1.5 million children with adequate health care. This was August of this year. The justice said the State failed not only the 1.5 million children but 13,000 abused and neglected children. Rather than taking corrective action, the State decided to appeal the court's ruling over the objection of State legislators.

Texas legislators blame Bush for Texas' poor health insurance coverage.

In a letter to the Vice President from Texas State representatives, the Governor prioritized oil breaks over children's health insurance in 1999. In 1999, after Bush deemed a $45 million oil industry tax break an emergency and made it the first signed bill of the session, Democratic legislators questioned his priorities in putting the legislation before expanding the CHIP program, or children health insurance programs. ''It's about priorities,'' Democratic representative Dale Tillery said. ''I know a whole lot of uninsured children, but I don't know a whole lot of poor oilmen.''

I could go into more detail about Governor Bush's record on health care but this gives us a general idea.

The American public is beginning to find out more about George W. Bush. Yesterday, the Rand Corporation, a nonprofit organization that helps improve policy and decisionmaking through research and analysis, an independent, fair, nonpartisan corporation, said that claims Governor Bush has been making about education in Texas and how well they are doing is without foundation, not factual. In fact, the only way that Governor Bush is able to take any credit for it is that tests are skewed in Texas. The Rand Corporation said if you use Texas math in any State, the education scores all over America would be magnified.

The fact is, the State of Texas is doing worse that most States. What Governor Bush is claiming about education is simply without foundation.

In addition to the independent Rand Corporation, another independent nonpartisan body, the American Academy of Actuaries, reported today that Governor Bush's proposed tax cut will basically bankrupt the country. The American Academy of Actuaries report finds that George W. Bush's $3 trillion tax cut, combined with his plan to divert money from the Social Security trust fund into individual stock market accounts, would make it all but impossible to eliminate the publicly held national debt. In fact, one of the people from the American Academy of Actuaries who worked on this report said: I don't see any way they pay off the public debt. Given Bush's large package of tax cuts, the budget will go negative quickly. There won't be a surplus anymore.

This is not a partisan report. It has been produced by one of the most widely respected organizations in America. The American Academy of Actuaries is part of a growing chorus of voices which have discredited Governor Bush's plan to privatize this Nation's most successful Federal program in our history, Social Security. In August, the Century Foundation also concluded that Governor Bush was making a promise to seniors and to young people that he couldn't keep with his Social Security privatization scheme. You can't do it for both.

This study, which was written by the respected economist Henry J. Aaron and former Federal Reserve Board member Alan Blinder, found that diverting just 2 percentage points of the Social Security payroll tax into private accounts would result in a reduction of benefits by as much as 54 percent and higher payroll taxes to keep the Social Security trust fund solvent.

In addition, Larry Summers, the Secretary of the Treasury, who is also a trustee of the Social Security system, and therefore has a fiduciary relationship to make sure the system remains solvent, said if just 2 percent of the payroll tax is diverted from the Social Security revenue stream, the Social Security trust fund will lack the resources to pay benefits by the time someone who is now 40 retires.

By today's report, the most damning indictment of the Bush plan to date is this report from the actuary group, the first independent report finding that the Federal budget surplus, a result of hard choices we have made in this country, would be eliminated by Governor Bush's shaky retirement scheme. To add insult to injury, not only would we return to the bad old days of deficits as far as the eye could see, we would devastate the most popular social program in the Nation's history, a program which has virtually eliminated the poverty rate among the elderly, provides critical benefits to disabled Americans, and supports widows, many of whom have little or no retirement security.

Let's review what is at stake in this privatization scheme. We have turned a record deficit of $400 billion, counting the Social Security surplus we used to use to hide the deficit, in 1992, to a record surplus this year of $260 billion. We have paid down more than $450 billion in debt. We sparked the longest expansion in economic history, 22 million new jobs, the fastest and longest real wage growth in three decades, the lowest unemployment in three decades, the highest home ownership in two decades, and the largest 5-year drop in childhood poverty since the 1960s.

I was on a debate a week ago last Sunday and two Republican colleagues who I had the pleasure of discussing the issues with started saying it is because the Gingrich Congress that we

were able to get this House in order. I said: You must have been talking to Frank Luntz who is the pollster who always tells you guys what to say. I didn't know, but as I was speaking, he was in the room. He had been there discussing with these two Members of Congress what they should say.

We should state the facts. The 1993 Clinton Budget Deficit Reduction Act passed this body without a single Republican vote, passed the House of Representatives without a single Republican vote; the tie was broken by Vice President GORE, setting this Nation on a road to economic recovery. That is what happened. There were all kinds of prophecies of doom. I read them in the RECORD earlier today. That didn't come to be. This legislation has put this country where it should be.

There is a real chance we could throw all this away with Governor Bush's $3 trillion tax cut and his dangerous Social Security privatization plan. For a month, the Vice President has been saying that Bush's plan would hurt Social Security and bring us record deficits. Governor Bush called that fuzzy math. Now the Nation's best mathematicians have found that the public's economic plans and Social Security plans could do just that—bankrupt this Nation and Social Security.

This report validates everything that the minority has been saying over here. It tells us that George W. Bush's plan would make Social Security financially unstable during the lifetime of today's seniors. It shows Governor Bush outspending AL GORE, and AL GORE as the candidate of fiscal responsibility. By comparison, Vice President Gore and congressional Democrats want to preserve Social Security's fundamental guarantee to America's seniors. We can do that by dedicating all of the Social Security surplus to that program.

Of course we have to take care of debt reduction. Our plan reduces publicly held debt and would strengthen Social Security by using long-term interest savings to keep the system solvent.

We talked about tax cuts. But the most important tax cut the American people would ever receive is to reduce the long-held debt this country has. If we reduce that debt, it will save this country $250 to $300 billion a year according to where the interest rate is paid. That is where every American, no matter if they are rich or poor, will get a tax savings because everything they buy will be cheaper.

The Vice President also proposes to end the motherhood penalty by giving parents a credit toward Social Security for up to 5 years spent raising their children. The widow benefit would be increased. He is proposing retirement savings plus, which is not a privatization scheme but would allow Americans to create individual retirement accounts that would supplement their Social Security and help them reap historic long-term gains in the stock market.

Yesterday, I came to this floor, approximately 24 hours ago. I talked about this campaign being a campaign, we would hope, of ideas, of policy views, of a vision for what the country should be. Not the ability to operate a 7–Eleven store but to operate the greatest country in the history of the world, the only superpower left in the world.

Having said that, I am going to again give some direct quotes and these are all brand new. I did not talk about them last night. I am, tonight, going to again read verbatim quotes that have been made by a person, Governor Bush, who wants to be President of the United States. Here is what he said.

Interview with the New York Times, March 15, 2000:

People make suggestions on what to say all the time. I'll give you an example; I don't read what's handed to me. People say, ''Here, here's your speech, or here's an idea for a speech.'' They're changed. Trust me.

Interview with the Associated Press, March 8, 2000:

It's evolutionary, going from governor to president, and this is a significant step, to be able to vote for yourself on the ballot, and I'll be able to do so next fall, I hope.

Next direct quote:

It is not Reaganesque to support a tax plan that is Clinton in nature.

February 23, 2000, USA Today:

I don't have to accept their tenants. I was trying to convince those college students to accept my tenants. And I reject any labeling me because I happened to go to the university.

New York Daily News, February 19, this year:

I understand small business growth. I was one.

Florence, SC, February 17, 2000:

The Senator has got to understand if he's going to have—he can't have it both ways. He can't take the high horse and then claim the low road.

To Cokie Roberts, February 20, 2000:

Really proud of it. A great campaign. And I'm really pleased with the organization and the thousands of South Carolinians that worked on my behalf. I'm very gracious and humbled.

He said:

I am very gracious and humbled.

Newsweek, February 28, 2000:

I don't want to win? If that were the case why the heck am I on the bus 16 hours a day, shaking thousands of hands, giving hundreds of speeches, getting pillared in the press and cartoons and still staying on message to win?

Same interview:

I thought how proud I am to be standing up beside my dad. Never did it occur to me that he would become the gist for cartoonists.

Hilton Head, SC:

If you are sick and tired of the politics of cynicism and polls and principles, come and join this campaign.

That was on February 16, 2000. Again, that same day, those in Beaufort, SC:

How do you know if you don't measure if you have a system that simply suckles kids through?

Here, in Beaufort he was explaining the need for educational accountability.

In a South Carolina debate, February 15:

We ought to make the pie higher.

''Meet The Press,'' February 13:

I do not agree with this notion that somehow if I go to try to attract votes and to lead people toward a better tomorrow somehow I get subscribed to some—some doctrine gets subscribed to me.

''Meet The Press,'' February 13, 2000:

I've changed my style somewhat, as you know. I'm less—I pontificate less, although it may be hard to tell it from this show. And I'm more interacting with people.

Nashua, NH, February 1, New York Times:

I think we need not only to eliminate the tollbooth to the middle class, I think we should knock down the tollbooth.

San Antonio Express-News, January 30:

The most important job is not to be governor, or first lady in my case.

January 29, 2000:

Will the highways on the Internet become more few?

Concord, NH:

Los Angeles Times, January 28:

This is Preservation Month. I appreciate preservation. It's what you do when you run for president. You gotta preserve.

Chamber of Commerce in Nashua, NH, January 27:

I know how hard it is for you to put food on your family.

Quoted by Molly Ivins, this is from the San Francisco Chronical, January 21:

What I am against is quotas. I am against hard quotas, quotas they basically delineate based upon whatever. However they delineate, quotas, I think vulcanize society. So I don't know how that fits into what everybody else is saying their relatives positions, but that's my position.

Iowa Western Community College, January 21:

This is a quote: ''When I was coming up it was a dangerous world, and you knew exactly who they were. . . . It was us vs. them, and it was clear who them was. Today, we are not so sure who the they are, but we know they're there.''

This is from the Des Moines Register, January 15:

The administration I'll bring is a group of men and women who are focused on what's best for America, honest men and women, decent men and women, women who will see service to our country as a great privilege and who will not stain the house.

Financial Times, January 14:

This is a dangerous world. It's a world of madmen and uncertainty and potential mental losses.

Same interview:

We must all hear the universal call to like your neighbor just like you like to be liked yourself.

Florence, SC, January 11:

Rarely is the question asked: Is your children learning?

Same interview:

Gov. Bush will not stand for the subsidation of failure.

''Larry King Live,'' December 16 of last year:

There needs to be debates, like we're going through. There needs to be town-hall meetings. There needs to be travel. This is a huge country.

New Hampshire, Republican debate:

I read the newspaper.

In answer to a question about his reading habits.

''Meet The Press,'' November 21, of last year:

I think it's important for those of us in a position of responsibility to be firm in sharing our experiences, to understand that the babies out of wedlock is a very difficult chore for mom and baby alike. . . . I believe we ought to say there is a different alternative than the culture that is proposed by people such as Miss Wolf in society. . . . And, you know, hopefully condoms will work, but it hasn't worked.

From ''A Charge to Keep,'' by George W. Bush, published last year in November:

The students at Yale came from all different backgrounds and all parts of the country. Within months, I knew many of them.

New York Times:

The important question is, How many hands have I shaked?

The Washington Post, July 27:

I don't remember debates. I don't think we spent a lot of time debating it. Maybe we did, but I don't remember.

This is on a discussion of the Vietnam war when he was at Yale.

Knight Ridder News Service:

The only thing I know about Slovakia is what I learned first-hand from your foreign minister, who came to Texas.

The fact is, the meeting was not with the Minister of Slovakia but with the Prime Minister of Slovenia, two different countries.

June 16, New York Times:

If the East Timorians decide to revolt, I'm sure I'll have a statement.

Economist, June 12:

Keep good relations with the Grecians.

CNN Inside Politics, April 9:

Kosovians can move back in.

I was just inebriating what Midland was all about then.

This is from an interview, as quoted in ''First Son'' by a man named Bill Minutaglio.

Arlington Heights, IL, October 24, a day or so ago, to make sure we are current:

It's important for us to explain to our Nation that life is important. It is not only life of babies, but it is life of children living, you know, the dark dungeons of the Internet.

The debate to become President of the United States is a very serious debate. It involves things we talked about tonight. Tax policy, established by an independent group—the tax policy of want-to-be-President George W. Bush would bankrupt the country. His Social Security policy would bankrupt Social Security. His education program in Texas has been a failure. His efforts to talk about bipartisanship is without any foundation.

He, in the debates, talked about bipartisanship. The fact is, on major issues in play in this election, bipartisan projects have been blocked by the highly partisan Republican majority. Overcoming that kind of determined partisan opposition means working with people such as Dr. Charlie Norwood on the Patients' Bill of Rights.

Although George W. Bush claimed credit for the Texas Patients' Bill of Rights, the truth is he initially vetoed it and later let it become law without signature. Or working with JOHN MCCAIN on the bipartisan campaign finance reform bill or GORDON SMITH and 12 other Republicans on the bipartisan hate crimes bill or JOHN WARNER and RICHARD LUGAR on the bipartisan legislation to close the gun show loophole. Not only does Governor Bush fail to appreciate what kinds efforts these involve, he actually opposes every one of these bipartisan measures.

Instead of showing bipartisan leadership, Governor Bush stands squarely with the entrenched Republican majority on every one of these issues, and that is not bipartisanship.

I read quotes tonight and last night. The American public must decide for themselves if this man is the person who should be President of the United States.

Mr. President, until my friend, Senator BROWNBACK, arrives, 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. BROWNBACK. 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. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business.

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

GORE-CHERNOMYRDIN DEAL

Mr. BROWNBACK. Mr. President, I wish to take some time this evening to discuss an issue on which I held a hearing, along with Senator GORDON SMITH, yesterday. It concerns something that is very troubling: The arming of Iran, which occurred recently, and concerns an agreement that was made by Vice President AL GORE with then-Prime Minister of Russia Viktor Chernomyrdin on allowing Russia to convey armaments to Iran and avoid U.S. sanctions law.

I do not want to discuss so much that part of the issue, although it is an important part of it, but I want to get to the issue of an agreement made between the Vice President and then-Prime Minister of Russia Viktor Chernomyrdin to allow the conveyance of this equipment, military hardware—we are talking submarines, tanks, attack helicopters, a lot of equipment.

It was stated by the Vice President in this agreement—and we found this out when it was leaked to the press 14 days ago, in the New York Times—that we will not sanction Russia for allowing this to take place.

I asked the administration in the hearing I held yesterday and I asked by letter today signed by a number of my colleagues: Let us see the agreement the Vice President entered into with Viktor Chernomyrdin. To date, the administration has refused to convey that document to us. We held a closed session yesterday. We said: Convey it to us in closed session. They refused.

This afternoon, a group of Senators and myself sent a letter to the Secretary of State, Madeleine Albright, restating our position that the administration should share with the Congress the documents relating to the Gore-Chernomyrdin agreement which allowed Russia to sell conventional weaponry to Iran and not be sanctioned under U.S. law.

If we have not received the documents by noon on Monday, the Foreign Relations Committee will be forced to issue—and pursue issuing—a subpoena to receive those documents from the administration.

This letter was signed by Senator GORDON SMITH; myself, who chaired the hearing yesterday; along with Chairman MCCAIN of the Commerce Committee; Senator LUGAR; Chairman SHELBY of the Intelligence Committee; Chairman WARNER of the Armed Services Committee; Chairman THOMPSON of the Governmental Affairs Committee; and Senators NICKLES and LOTT of leadership.

In it we express our disappointment with the administration's continued stonewalling and refusal to provide documents related to the Gore-Chernomyrdin agreement. They refused to even allow us to see documents which have been published in the press, which is how we learned about them. These were published in the New York Times. That is how we learned about this taking place.

Essentially, now, the administration is asking us to trust them. But the fact that almost everything we have learned about this secret deal has come from the New York Times and the Washington Times—and not the administration—makes such trust difficult.

Congress has the right and the responsibility to review all the relevant documents and to judge for itself whether the transfers the Vice President signed off on were covered by U.S. nonproliferation laws.

Unfortunately, until the New York Times broke the story 14 days ago, Congress had not seen this written, signed agreement between the Vice President and the Russian Prime Minister. In open session hearing yesterday, I asked them to deny this, that this had been conveyed to the Congress. What we heard was that the administration had ''telegraphed'' the contents of the agreement, that they had ''briefed'' but they were unable to say that they had transmitted this document to the Congress, as they were required to do.

In essence, they said to us: Look, we were telling you that the Vice President was meeting with Mr.

Chernomyrdin. We told you that they were discussing a number of issues. That should be good enough.

Well, it isn't. Now we are saying to the administration: Show us the documents that have now been—some of them have been leaked to the press. Tell us what the agreement was. Because we want to determine whether or not laws were violated.

To date, they have continued to stonewall and to refuse to provide the documents to us. We provided, as I stated, a closed session for them to provide it to us in case there were national security concerns. They refused to do so.

The decision to allow Russia to escape the consequences of providing Iran with conventional weapons is one which affects not only the security of the American military personnel in the gulf but also the security of our allies in the region. This is not the type of agreement which should have been kept from the American people, and it certainly is not something that Members of Congress should have learned about first in the press.

The Vice President is saying this deal with Russia slowed down and prevented more weapons transfers from Russia to Iran. The fact is that the Russians did not keep their side of the bargain.

I have held a number of hearings on Russian arms transfers to Iran over the last 4 years. As a matter of fact, I held six hearings on the topic of Iran's weaponry buildup. At each of these hearings we have seen and have had experts cite the level and the amount of weaponry that has been transferred from Russia to Iran. At almost all these hearings—as a matter of fact, I think all of them—we had an administration witness there. We said to them: Stop this flow of weaponry from Russia to Iran. We are going to face this weaponry or our allies in the region are going to face this weaponry.

At each of these hearings the administration would say: Yes, it is terrible that Russia is conveying this weaponry to Iran. We are trying to stop it. Then I would ask: Are you sanctioning Russia for doing this? They would say: Well, no, we are not doing this. We are not sure it rises to that level. We are not sure we should do this. And all along, there was this secret agreement in the background that they had agreed to—the Vice President had—that they would not sanction Russia. And they did not disclose that at any of these hearings nor even allude to the fact that that existed. Until we found out about it 14 days ago in the New York Times, I did not know this existed.

This should have been conveyed to the Congress. We should have been brought in so we could appraise whether or not these sanctions should have happened with this level of weaponry that has been flowing from Russia to Iran.

I have a compilation now, from open sources, of some of the weapons that have been transferred. These are all weapons which pose a direct threat to our forces in the gulf as well as to our allies. This is a list gleaned from various press sources and other open sources. And we do not have the list of the weapons the administration agreed to let Russia supply to Iran.

Yes, the press is reporting there was an annex to the Gore-Chernomyrdin agreement that listed the level of weaponry, the amount of weapons that could be conveyed from Russia to Iran, and that this would not be sanctioned. We need to see that annex. We need to see what was agreed to be allowed to be conveyed. We know some of what has been conveyed because of open sources in the press. We do not know what was in the agreement between Vice President Gore and Mr. Chernomyrdin. So the Congress is continuing to be left in the dark about what laws, if any, have been broken.

The administration claims that the weaponry is not destabilizing and therefore not subject to sanctions anyway. When you look at the list, the public list, I submit that any and all of these weapons pose a direct threat to our soldiers and sailors in this region. They include submarines. They include attack helicopters. They include attack aircraft, mines, and torpedoes. I think that would be and is destabilizing in the region. It is destabilizing. It is clear that this so-called deal did not stop these transfers from occurring.

The main problem here, that I am complaining about this evening, is not the weaponry, although I think that is a terrible problem and one we are going to have to face. It is going to be very problematic for us and our allies to face in the future. The main problem is we are not being given the opportunity to look at these documents—the agreement—ourselves, to determine the legality of this deal and whether or not it falls into the categories of an agreement that should have been transmitted to Congress by law, and then whether, in fact, this deal allowed Russia to circumvent the law.

By stonewalling on providing us with the material to allow us to see their side of this issue, the administration is raising even more questions than were raised by the initial New York Times article. Why are they refusing to provide these documents? Is there something they are hiding? Provide it to us in closed session. Yet they have continued to refuse to do that.

The administration has an obligation to submit these agreements to the Congress. They never revealed there was a written and signed agreement which binds both sides and binds the United States into skirting U.S. laws.

Now, a couple of laws I think are in play here, whether or not they have been violated. We have not heard from the administration about these. They say they have not, overall, been violated. But the Gore-McCain Act is one, I believe—as we look at it and study it, if we are able to get the information—that was probably violated. Allowing Iran to have this sort of weaponry is one that would violate this law.

Mr. President, I want to go through a series of charts here to maybe put down clearly what has taken place to date.

Fourteen days ago, there was an article that appeared in the New York Times. I am summarizing here about what took place. Fourteen days ago, an article appeared in the New York Times stating that a secret agreement had been reached between Vice President GORE and then-Russian Prime Minister Viktor Chernomyrdin allowing Russia to avoid sanctions required under U.S. weapons proliferation laws for selling arms to Iran. This is what was in the newspaper, signed by AL GORE and Viktor Chernomyrdin. There is attached to this—we have not seen it, but it has been reported—an annex listing weaponry that can be conveyed.

They are saying here: In light of the undertakings contained in this joint statement—in the aide-memoire—the United States is prepared to take appropriate steps to avoid any penalties to Russia that might otherwise arise under domestic law with respect to the completion of the transfers disclosed in the annex for so long as the Russian Federation acts in accordance with these commitments.

So here is the Vice President of the United States signing an agreement with Mr. Chernomyrdin saying we are going to not enforce U.S. domestic law on these transfers.

Now my question to you, to all of the people, and to the administration, is: Does the Vice President have this authority to waive these sanctions? No, he does not have the authority to waive these sanctions. Under the law, they have to issue the sanctions.

Now they can choose later to find a way out, to waive them afterwards, but they cannot just waive these sanctions. The Vice President does not have the authority to do this. He enters into an agreement saying: We will take appropriate steps to avoid any penalties to Russia that might otherwise arise under domestic law with respect to the completion of the transfers disclosed in the annex for so long as the Russian Federation acts in accordance with these commitments.

I want to go to Secretary Albright's letter to Ivan Ivanov, the Foreign Minister of Russia, about this aide memoire where she says:

> Without the aide memoire which we just looked at—

This is the Gore-Chernomyrdin agreement—

> Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws.

This is her letter to the Russian Foreign Minister, January 13 of this year. The Secretary of State is saying, if we hadn't agreed in this signed secret agreement that we would not sanction you, you would have been subject to

sanctions. The Secretary of State is saying it. You would ''have been subject to sanctions based on various provisions of our laws.''

This is the other part that was in the secret agreement with Chernomyrdin, that ''we are prepared to take steps'' that I previously read. The administration itself is saying, look, we agreed with you not to sanction you, but if we hadn't agreed to it, you would have been subject to U.S. sanctions law. Does the Vice President have the authority to waive U.S. sanctions? He doesn't have that authority to do this. Yet that is what he did.

I want to show you some of what we are talking about, the weaponry that has been conveyed. This is one piece of equipment, Russian attack submarines for Iran, three Kilo-class attack submarines have been conveyed under this agreement. We have, as I mentioned, attack helicopters, airplanes. The administration was saying, look, we are not going to sanction you because we have secretly agreed not to sanction you.

I don't want to go on a long time about this. I just want to continue to raise this issue because I am deeply troubled about a couple of things.

No. 1, for 4 years I have been holding hearings about conveyance of weaponry from Russia to Iran and pressing the administration, what are you doing to stop this conveyance of weaponry from Russia to Iran, because our allies will face this equipment in the future. They wring their hands and say, it is terrible what is going on. And then nothing would happen.

Now, 14 days ago, I found out the reason nothing is going to happen—a secret agreement was agreed to that they weren't going to sanction Russia. They were going to let it go ahead and continue to happen. Now we face heightened danger in the Persian Gulf. This equipment is there, and some of it is still being conveyed.

No. 2, we have asked the administration, show us the agreement. You should have shown it to us when it took place so we could understand what this is. I believe there was a violation of the law then. We need to see these documents now. They say nothing illegal has taken place. OK, then, fine. Show us the documents.

A letter was sent today. We want to see the documents of this agreement. We don't want to continue to read about it in the newspaper. We want to see the documents. Convey them to us; send it in a closed session. If there is national security interests, we want to see these documents. That is what we are saying now.

What I am also saying is, what I have stated this evening, if we don't have these by noon on Monday, we will seek a subpoena to receive these documents and get them from the administration.

I think this is highly suspect, what has taken place by the administration. We are only now finding out about it. We need to see what it was that the administration agreed to, what it is that is still taking place between Russia and Iran, and why the United States is not stepping in to stop this.

I believe you will be hearing more about this unless the administration comes forward and comes clean. I hope they do. I hope they tell us: Here it is, and here is all of what we agreed to. Here is why we agreed to all of this. Here is why we think this is working, rather than it isn't.

But right now, all we have are secret deals that somehow are getting leaked out to the newspapers, and we don't even know what the agreement is. We don't know what it is. We deserve to know what that agreement is.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

STRIPPING JIM LYONS' AUTHORITY AT USDA

Mr. DASCHLE. Mr. President, the Founding Fathers intended that the legislative process work through strongly held policy differences to establish the law of the land. They saw open dialogue as central to our democracy, and their vision has served the American people well for over 200 years. It is regrettable, therefore, when policy disagreements degenerate into acts of retribution against individual public servants whose only transgression is to execute the directives of the President they serve.

That is exactly what happened recently when a provision was inserted into the fiscal year 2001 Agriculture Appropriations Bill stripping the USDA Under Secretary for Natural Resources and Environment, Jim Lyons, of his authority to administer the Forest Service and the Natural Resources Conservation Service until his term in office expires in January 2000. This provision is not only unfair to Mr. Lyons, it undermines the separation of powers doctrine because it is designed solely to intimidate administration officials who are faithful to the policies of the President.

What has Mr. Lyons done, you might ask, to warrant such rebuke? The simple answer is: he has done a difficult job conscientiously.

Mr. President, Mr. Lyons was confirmed as the Under Secretary for Natural Resources and Environment by the Senate in May of 1993. As Undersecretary, he administers two important agencies—the Forest Service and the Natural Resources Conservation Service—that include nearly half the employees in the Department.

I have worked closely with Mr. Lyons over the past 8 years and respect greatly his work ethic, his understanding of the issues within his agencies' jurisdiction and his commitment to the public policy making process. We have had policy disagreements, but I have never had reason to question Mr. Lyons' dedication to his job or fitness to serve as Undersecretary.

Mr. Lyons has provided steady and clear leadership during his tenure at USDA, tackling many complex and controversial issues that have plagued the conservation and forestry communities for years. While many of these policy challenges defy easy solution, Jim Lyons never shirked his responsibility to address them. Further, it has been his hallmark to solicit and discuss the views of all parties in a search of common ground in the pursuit of Administration objectives. That approach was particularly evident in the policy dispute that culminated in the Agriculture Appropriations rider relieving Mr. Lyons of line authority for the Forest Service and the Natural Resources Conservation Service.

The Office of the Under Secretary for Natural Resources and Environment, NRE, has responsibility within USDA for working with the Environmental Protection Agency, EPA, on issues affecting clean water and air, agriculture, forestry and other environmental concerns. It was in this role that Mr. Lyons entered into negotiations with the EPA to reduce the impact of EPA's proposed Total Maximum Daily Load, TMDL, rule on agriculture and forestry, while helping to ensure our continued progress in improving the quality of the waters of the United States.

After months of negotiation with the EPA, Mr. Lyons helped construct a rule that would provide for measured progress in reducing non-point source pollution through the use of voluntary, incentive-based programs administered largely through the Natural Resources Conservation Service. Many of the provisions objectionable to commodity groups and the Farm Bureau were dropped from the final rule or significantly modified. The provisions affecting silvicultural activities and forestry were dropped altogether.

In August, the President announced the final TMDL rules, and, in response to concerns expressed by Members of Congress, delayed their implementation for one year. Nonetheless, some who were upset that EPA had elected even to proceed with the rules decided to take their frustration out on Mr. Lyons, charging that he had not done enough to fight this rulemaking. As a consequence, language was added to the House version of the fiscal year 2001 Agriculture Appropriations bill defunding Mr. Lyons' office.

At the urging of Senator COCHRAN and his colleagues on the Senate Appropriations Committee, the House agreed to restore funding for the Undersecretary's office, but eliminate Mr. Lyons' authority to manage, supervise or direct his agencies—the job he had sworn to do and for which this

body had confirmed him nearly 8 years ago. While policy differences certainly are an important and accepted part of the legislative process, acts of retribution against individual public servants—which this rider is—should not be tolerated.

Mr. Lyons does not deserve this treatment. During his USDA career, he has faithfully pursued the President's policies, spearheading major reforms in the management of both the Forest Service and the Natural Resources Conservation Service, NRCS, and helping to develop the Forest Service's new natural resources agenda, which is focused on watershed protection, recreation, road management reform and sustainable forestry.

Under Mr. Lyons' leadership, the Natural Resources Conservation Service has assumed a leadership role for the Administration in promoting conservation of the nation's private lands and has taken on an expanded role in protecting clean water and fish and wildlife habitats. Mr. Lyons has advocated establishing riparian buffers to capture nutrient and pesticide runoff, promoted efforts to protect farm and forest lands threatened with development, and encouraged strategies to protect drinking water supplies at their source.

Mr. Lyons was also the principle architect of the President's Northwest Forest Plan conserving old-growth forests and promoting sustainable forestry. He has initiated efforts to assess forest ecosystem health in the Columbia River Basin, the Sierra Nevada and the southern Appalachians. He directed key acquisitions and additions to the National Forest System, and has overseen purchase of lands including New Mexico's Baca Ranch and the New World Mine near Yellowstone National Park. He was instrumental in the establishment of the Giant Sequoia National Monument.

Mr. Lyons continues to lead USDA efforts on the presidential initiative to protect remaining national forest roadless areas. He helped craft the President's report on this year's devastating wildfires and then worked to shape the emergency funding package that will be used to restore fire-damaged forest lands and reduce the risks to communities from future wildfires. Mr. Lyons has promoted outdoor recreation on the national forests and created new programs and partnerships to improve urban forestry and conservation activities.

In the Black Hills of South Dakota, Mr. Lyons worked with me to resolve differences between the timber industry and environmentalists that allowed timber harvesting to proceed in a responsible and environmentally sensitive manner. This experience demonstrated Mr. Lyons' ability to work with diverse interests in the pursuit of sound, common sense policies that reconcile multiple use objectives.

President Clinton's approach to the stewardship of our national resources is clear, and Mr. Lyons has been faithful to that vision. His public record over the past eight years identify him as a leading conservationist and an effective agent of change, not only within the Department of Agriculture, but also within the Administration.

Mr. President, I regret that, as the end of the Clinton Administration approaches, one of its longest serving subcabinet officials has been targeted for retribution as a result of a disagreement over policy. Personal attack should never become an accepted method for settling policy differences. I hope that the politics of personal intimidation can be removed from our policy debates.

Finally, I ask unanimous consent to print a recent New York Times editorial on this subject in the RECORD.

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

PETTINESS ON CAPITOL HILL

Marion Berry, a Democratic Representative from Arkansas, has raised Congressional arrogance to a new level.

Gripped by ideological fury in June, Mr. Berry added a provision to the agricultural spending bill stripping funds from the office of James Lyons, an under secretary of agriculture who oversees the Forest Service and the Natural Resources Conservation Service. Mr. Lyons' Republican critics later modified the amendment so that it left the funding intact but stripped him of his authority to run the agencies. Either way, it was clear that Mr. Lyons had been singled out for special abuse, and that Mr. Berry had started the crusade.

What had Mr. Lyons done to deserve this? According to Mr. Berry himself, the under secretary's main sin was to side with the Environmental Protection Agency when it decided to enforce a long-dormant provision of the Clean Water Act to get a better grip on polluted runoff from so-called ''non-point'' sources like farms, city streets and golf courses. Mr. Lyons helped the E.P.A. establish a timetable that would enable farmers to comply with the law on a reasonable schedule. But he never challenged the agency's authority to enforce the law, as some agricultural lobbyists had hoped he would, nor was he, in Mr. Berry's view, sufficiently pro-farmer in his negotiations.

A conservationist, Mr. Lyons has angered members of Congress before, not least for his support of President Clinton's plan to put millions of acres of the national forests off-limits to new roads, as well as his efforts to enlarge protections for Alaska's Tongass National Forest. But nobody had gone so far as to undermine his job. The White House, already worn out from its efforts to block anti-environmental riders in other bills, is unlikely to fight this one, in part because it will have no serious effect on the two agencies or even on Mr. Lyons himself. The provision expires Jan. 20, when Mr. Lyons will leave Washington to teach at Yale. But it is still a petty gesture that brings no honor on Mr. Berry or the other congressmen who have willingly gone along with his vendetta.

SECTION-BY-SECTION ANALYSIS OF THE PAIN RELIEF PROMOTION ACT

Mr. NICKLES. Mr. President, on October 25, 2000, Representative HENRY HYDE introduced H.R. 5544, the Pain Relief Promotion Act of 2000. The text of the legislation is based on the Senate Judiciary committee substitute to H.R. 2260, the Pain Relief Promotion Act, ordered reported out of the Senate Judiciary Committee on April 27, 2000.

For the information of all Members of Congress, I offer the following section-by-section analysis of the legislation.

I ask unanimous consent that the material be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS—PAIN RELIEF PROMOTION ACT OF 2000, H.R. 5544

Section 1. Short title

Entitles the act the ''Pain Relief Promotion Act of 2000.''

Section 2. Findings

Makes a series of findings about the importance of emphasizing pain management and palliative care in the first decade of the new millennium, the regulation of drugs with a potential for abuse under the Controlled Substances Act, the use of such drugs by practitioners for legitimate medical purposes, especially the purpose of relieving pain and discomfort even if it increases the risk of death, the need for improved treatment of pain, and the fact that dispensing and distributing such drugs affects interstate commerce.

TITLE I

Section 101. Activities of Agency for Healthcare Research and Quality

This section amends the Public Health Services Act by authorizing a program responsibility for the Agency for Healthcare Research and Quality in the Department of Health and Human Services to promote and advance scientific understanding of palliative care. The Agency is directed to collect and disseminate protocols and evidence-based practices for pain management and palliative care with priority for terminally ill patients.

The section is specifically made subject to subsections (e) and (f) of section 902 of the Public Health Service Act [42 U.S.C. 299a(e) and (f)], added by the Healthcare Research and Quality Act of 1999, Public Law 106–129, which prevent the mandating of national standards of clinical practice. This section has a definition of pain management and palliative care which is a modified version of the World Health Organization's definition of palliative care.

Section 102. Activities of Health Resources and Services Administration

This section amends the Public Health Services Act by authorizing a program for education and training in pain management and palliative care in the Health Resources and Services Administration of the Department of Health and Human Services. This section allows the Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality to award grants, cooperative agreements and contracts to health professions schools, hospices, and other public and private entities to develop and implement pain management and palliative care education and training programs for health care professions.

This section requires the applicant for the award to include three educational informational components in the program: (1) the program must have a component that addresses a means for diagnosing and alleviating pain and other distressing signs and

symptoms of patients, especially in terminally ill patients, including the use of controlled substances; (2) the program must provide information and education on the applicable laws on controlled substances, including those permitting dispensing or administering them to relieve pain even in cases wheresuch efforts may unintentionally increase the risk of death, and (3) the information and education must provide recent findings and developments in the improvement of pain management and palliative care. Health professions schools, residency training programs, continuing education, graduate programs in the health professions, hospices, and other sites as determined by the Secretary will be used as program sites.

This section also requires the Secretary to evaluate the programs directly or through grants or contracts and mandates that the Secretary include individuals with expertise and experience in pain management and palliative care for the population of patients whose needs are to be served in each peer review group involved in the selection of the grantees.

Five million dollars annually are authorized to carry out these programs.

Section 103. Decade of pain control and research

This section designates the decade beginning January 1, 2001, as the ''Decade of Pain Control and Research.''

Section 104. Effective date

This section makes title I effective on the date of enactment.

Section 201. Reinforcing existing standard for the legitimate use of controlled substances

This section amends the Controlled Substances Act to establish that physicians and other licensed health care professionals holding DEA registrations are authorized to dispense, distribute, or administer controlled substances for the legitimate medical purpose of alleviating a patient's pain or discomfort in the usual course of professional practice even if the use of these drugs may increase the risk of death.

Essentially, this provision makes clear that there exists a ''safe harbor'' for those who dispense controlled substances for pain relief and palliative care, even if such treatment increases a patient's risk of death. The Department of Justice (DOJ) has taken the position that the Pain Relief Act ''would eliminate any ambiguity about the legality of using controlled substances to alleviate the pain and suffering of the terminally ill by reducing any perceived threat of administrative and criminal sanctions in this context.''

Without creating any new Federal standard, this section also ensures that the new safe harbor is not construed to change the proper interpretation of current law that the administration, dispensing, or distribution of a controlled substance for the purpose of assisting a suicide is not authorized by the Controlled Substances Act. Individuals covered by the CSA would not be subject to any new liability under the statute—with the exception of those who would attempt in the future to rely on the Oregon Act as a defense to alleged violations of the CSA.

This section further provides that the Attorney General in implementing the Controlled Substances Act shall not give force or effect to any State law permitting assisted suicide or euthanasia. This effectively overturns the June 5, 1998 ruling of the Attorney General insofar as that ruling concluded ''the CSA does not authorize DEA to prosecute, or to revoke the DEA registration of, a physician who has assisted in a suicide in compliance with Oregon law [or the law of any other state that might authorize assisting suicide of euthanasia.''

This section provides that the provisions of the bill are effective only upon enactment with no retroactive effect. This means that the Oregon statute will serve as a defense for any actions taken in complaince under the Oregon law prior to the enactment of H.R. 5544.

This section further provides that nothing in it shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine, affirming that regardless of whether a practitioner's DEA registration is deemed inconsistent with the public interest, the status of the practitioner's State professional license and State prescribing privileges remain solely within the discretion of State authorities.

This section also provides that nothing in the act is to be construed to modify Federal requirements that a controlled substance may be dispensed only for a legitimate medical purpose nor to authorize the Attorney General to issue national standards for pain management and palliative care clinical practice, research, or quality, except that the Attorney General may take such other actions as may be necessary to enforce the act.

This section provides that in any proceeding to revoke or suspend a DEA registration based on alleged intent to cause or assist in causing death in which the practitioner claims to have been dispensing, distributing, or administering controlled substances to alleviate pain or discomfort in the usual course of professional practice, the burden rests with the Attorney General to prove by clear and convincing evidence that the practitioner's intent was to cause or assist in causing the death.

Section 202. Education and training programs

This section directs educational and research training programs for law enforcement to include means by which they may better accommodate the necessary and legitimate use of controlled substances in pain management and palliative care.

Section 203. Funding authority

This section designates the source of funds for carrying out duties created under some provisions of the Controlled Substances Act, as amended by H.R. 5544.

Section 204. Effective date

This section establishes that the effective date of the act is that of its enactment.

THE COUNTERTERRORISM ACT OF 2000

Mr. LEAHY. Mr. President, Senator KYL spoke on the floor yesterday about the Counterterrorism Act of 2000, S. 3205, which he introduced two weeks ago on October 12, 2000. I had planned to speak to him directly about this legislation when I got into the office yesterday, but before I had the opportunity to speak to him, even by telephone, my colleague instead chose to discuss this matter on the Senate floor.

I have worked with Senator KYL to pass a number of matters of importance to him in past Congresses and in this one. Most recently, for example, the Senate passed on November 19, 1999, S. 692, the Internet Gambling Prohibition Act, and on September 28, 2000, S. 704, the Federal Prisoner Health Care Copayment Act. Moreover, in the past few months, we have worked together to get four more judges in Arizona. I was happy to help Senator KYL clear each of those matters.

Unlike the secret holds that often stop good bills from passing often for no good reason, I have had no secret hold on S. 3205. On the contrary, when asked, I have made no secret about the concerns I had with this legislation.

An earlier version of this legislation, which Senator KYL tried to move as part of the Intelligence Authorization bill, S. 2507, prompted a firestorm of controversy from civil liberties and human rights organizations, as well as the Department of Justice. I will include letters from the Department of Justice, the Center for Democracy and Technology, the Center for National Security Studies and the American Civil Liberties Union for the RECORD at the end of my statement. I shared many of the concerns of those organizations and the Justice Department.

I learned late last week that Senator KYL was seeking to clear S. 3207 for passage by the Senate, even though it had been introduced only the week before. I do not believe the Senate should move precipitously to pass a bill that has garnered so much serious opposition before having the opportunity to review it in detail and ensure that earlier pitfalls had been addressed. Let me say that having reviewed the bill introduced by Senator KYL, it is apparent that he has made efforts to address some of those serious and legitimate concerns.

Senator KYL has suggested that if the Justice Department was satisfied with his legislation, I or my staff had earlier indicated that I would be satisfied. I respect the expertise of the Department of Justice and the many fine lawyers and public servants who work there and, where appropriate, seek out their views, as do many Members. That does not mean that I always share the views of the Department of Justice or follow the Department's preferred course and recommendations without exercising my own independent judgment. I would never represent that if the Justice Department were satisfied with his bill, I would automatically defer to their view. Furthermore, my staff has advised me that no such representation was ever made.

That being said, I should note that the Department of Justice has advised me about inaccurate and incorrect statements in Senator KYL's bill, S. 3205, which are among the items that should be fixed before the Senate takes up and passes this measure.

I have shared those items and other suggestions to improve this legislation with the cosponsor of the bill, Senator FEINSTEIN, whose staff requested our comments earlier this week. My staff provided comments to Senator FEINSTEIN, and understood that at least in the view of that cosponsor of this bill, some of those comments were well-taken and would be discussed with Senator KYL and his staff. Indeed, my staff received their first telephone call about S. 3205 from Senator KYL's staff just yesterday morning, returned the call without finding Senator KYL's

staff available, and hoped to have constructive conversations to resolve our remaining differences. Yet, before these conversations could even begin, Senator KYL chose to conduct our discussions on the floor of the Senate. There may be more productive matters on which the Senate should focus its attention, but I respect my colleague's choice of forum and will lay out here the continuing concerns I have with his legislation.

First, the bill contains a sense of the Congress concerning the tragic attack on the U.S.S. *Cole* that refers to outdated numbers of sailors killed and injured. I believe that each of the 17 sailors killed and 39 sailors injured deserve recognition and that the full scope of the attack should be properly reflected in this Senate bill. I have urged the sponsors of the bill to correct this part of the bill. I note that last week the Senate passed at least two resolutions on this matter, expressing the outrage we all feel about the bombing attack on that Navy ship.

Second, this sense of the Congress urges the United States Government to ''take immediate actions to investigate rapidly the unprovoked attack on the'' U.S.S. *Cole*, without acknowledging the fact that such immediate action has been taken. The Navy began immediate investigative steps shortly after the attack occurred, and the FBI established a presence on the ground and began investigating within 24 hours. The Director himself went to Yemen to guide this investigation. That investigation is active and ongoing, and no Senate bill should reflect differently, as this one does. We should be commending the Administration for the swift and immediate actions taken to this attack and the strong statements made by the President making clear that no stone will be left unturned to find the criminals who planned this bloody attack.

Third, as I previously indicated, the Department of Justice has suggested several corrections to the ''Findings'' section of this bill. For example, the bill suggests there are ''38 organizations'' designated as Foreign Terrorist Organizations (FTOs) when there are currently 29. The bill also states that ''current practice is to update the list of FTOs every two years'' when in fact the statute requires redesignation of FTOs every two years. The bill also states that current controls on the transfer and possession of biological pathogens were ''designed to prevent accidents, not theft,'' which according to the Justice Department is simply not accurate.

Fourth, the bill requires reports on issues within the jurisdiction of the Senate Judiciary Committee without any direction that those reports be submitted to that Committee. For example, section 9 of the bill would require the FBI to submit to the Select Committees on Intelligence of the Senate and the House a feasibility report on establishing a new capability within the FBI for the dissemination of law enforcement information to the Intelligence community. I have suggested that this report also be required to be submitted to the Judiciary Committees. As the Chairman of the Senate Judiciary Subcommittee on Technology, Terrorism and Government Information, I would have expected that Senator KYL would support this suggested change.

Fifth, the bill would require reports, with recommendations for appropriate legislative or regulation changes, by the Attorney General and the Secretary of Health and Human Services on safeguarding biological pathogens at research labs and other facilities in the United States. No definition of ''biological pathogen'' is included in the bill and the scope could therefore cover a vast array of biological materials. I have suggested that the focus of these requested reports could be better directed by more carefully defining this term.

Finally, the bill would require reimbursement for professional liability insurance for law enforcement officers performing official counterterrorism duties and for intelligence officials performing such duties outside the United States. I have asked for an explanation for this provision. I have scoured the record in vain for explanatory statements by the sponsors of this bill for this provision. It is unclear to me why law enforcement officers conducting investigations here in the United States need such insurance, let alone intelligence officers acting overseas. There may be a good reason why these officers need this special protection, beyond the limited immunity they already have and beyond what other law enforcement and intelligence officers are granted. I need to know the reason for this special protection before any of us are able to evaluate the merits of this proposal.

I stand ready, as I always have, to work with the sponsors of S. 3205 to improve their bill.

I ask unanimous consent to print in the RECORD the two letters to which I referred.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 25, 2000.

Hon. RICHARD C. SHELBY,
Chairman, Senate Select Committee on Intelligence, Hart Senate Office Bldg., Washington, DC,

Hon. RICHARD H. BRYAN,
Vice Chairman, Senate Select Committee on Intelligence, Hart Senate Office Bldg, Washington, DC.

DEAR MR. CHAIRMAN AND MR. VICE CHAIRMAN: We are writing to express our opposition to the ''Counterterrorism Act of 2000,'' which we understand Senators Kyl and Feinstein are seeking to add to the intelligence authorization bill. At least three provisions of the Act pose grave threats to constitutional rights, and others raise serious questions as well.

SECTION 10

Section 10 of the Counterterrorism Act would amend the federal wiretap statute (''Title III'') to allow law enforcement agencies conducting wiretaps within the United States to share information obtained from such surveillance with the intelligence agencies. The provision breaches the well-established and constitutionally vital line between law enforcement and intelligence activities. The provision has no meaningful limitations. It allows the CIA and other intelligence agencies to acquire, index, use and disseminate information collected within the US about American citizens. It is not subject to any meaningful judicial controls.

Efforts have been underway for a number of years to improve the sharing of information between law enforcement and intelligence agencies, particularly in areas concerning terrorism and trans-national criminal activity. Significant improvements have been achieved. However, it has been recognized consistently in all these efforts that the fundamental distinction between intelligence and law enforcement serves important values and must be maintained.

Paramount among the reasons why we distinguish between law enforcement and intelligence agencies, and confine them to their separate spheres, is to protect civil and constitutional rights. The intelligence agencies operate in secret without many of the checks and balances, the judicial review and the public accountability that our Constitution demands for most exercises of government power. The secretive data gathering, storage and retention practices of the intelligence agencies are appropriate only when conducted overseas for national defense and foreign policy purposes and only when directed against people who are not US citizens or permanent residents.

Therefore, we have always maintained strict rules against intelligence agency activities in the US or directed against US citizens and residents. From the outset, the National Security Act of 1947 has specifically provided that the Central Intelligence Agency shall ''have no police, subpoena or law enforcement powers or internal security functions.'' This was intended to prevent the CIA from collecting information on Americans. Likewise, the National Security Agency has very strict rules about the collection or dissemination of information concerning Americans.

This prohibition against intelligence agencies collecting and disseminating information about people in the US would be rendered meaningless if the FBI could give personally identifiable information about US citizens to the CIA or NSA, which then could retain the information in files retrievable by name. Yet that is what the proposed amendment does. The proposed amendment contains no meaningful limitations. It does not say that the information to be shared can relate only to non-US persons. It does not say that the information could be kept by the receiving intelligence agencies only in non-personally retrievable form (a restriction that increasingly loses meaning anyhow as agencies develop the capability to search the full next of their files).

Moreover, this breach would involve one of the most intrusive of law enforcement techniques—electronic interception of telephone conversations, e-mail and other electronic communications. In recognition of the especially intrusive nature of wiretapping, section 2.4 of E.O. 12333 expressly states that the CIA is not authorized to conduct electronic surveillance within the United States. All Title III interceptions take place in the US. The overwhelming majority of targets of law enforcement wiretapping are US persons. In this information age, when so much sensitive personal information is exchanged electronically, the American public is increasingly concerned about the breadth and intrusiveness of government wiretapping.

The problems posed by the proposed Section 10 are compounded by the secrecy with which the intelligence agencies operate. There is little likelihood that a person who was the subject of a file at the CIA would ever learn about it, and even less likelihood that they would ever learn that information in the file was obtained by a law enforcement wiretap. So there would be little opportunity for uncovering abuses and little recourse to the judiciary for misuse of the information.

The provision stands in fundamental contradiction to the specificity and minimization requirements of Title III, which are central to the privacy protection scheme of that law. The minimization rule requires every wiretap to be ''conducted in such a way as to minimize the interception of communications not otherwise subject to interception'' under Title III. 18 U.S.C. 2518(5). Every order under Title III must include ''a particular description of the type of communication sought to be intercepted and a statement of the particular offense to which it relates,'' 18 U.S.C. 2518(4)(c). Together, these provisions make it illegal to intercept under Title III communications that do not relate to a criminal offense. Yet the proposed amendment would seem to mean either that officials conducting Title III wiretaps would be intercepting communications involving foreign intelligence that is not relevant to crimes in the U.S. or the CIA would be compiling information about crimes, including crimes inside the U.S., in violation of the National Security Act.

SECTION 9

Section 9 of the Counterterrorism Act of 2000 also threatens to erase the dividing line between law enforcement and intelligence agencies that protects individuals in the U.S. against secret domestic intelligence activity. Section 9 would require the Director of the FBI to submit to Congress a report on the feasibility of establishing within the Bureau a comprehensive intelligence reporting function having the responsibility for disseminating to the intelligence agencies information collected and assembled by the FBI on international terrorism and other national security matters.

But Section 9 calls for far more than an objective study. It requires the FBI to submit a proposal for such an information sharing function, including a budget, an implementation proposal and a discussion of the legal restrictions associated with disseminating law enforcement information to the intelligence agencies. This is putting the cart before the horse. With the emphasis in recent years on cooperation between the FBI and the CIA, the factual predicate has not been established for even concluding that the FBI is not already properly sharing intelligence information. Further, only recently the FBI adopted a strategy that stresses intelligence collection and analysis—it would be prudent first to examine the effectiveness and civil liberties implications of that strategy before directing the FBI to design a new intelligence sharing mechanism. Then it would be prudent to draw distinctions among the various types of information that the FBI is collecting, to ensure that information sharing does not infringe on the rights of Americans and does not involve the intelligence agencies in domestic law enforcement matters. All of these nuances are missing from Section 9. All of them could be accomplished by the relevant Congressional committees in a neutral and objective fashion without the need for this amendment.

The provision does not draw a distinction between information collected by the FBI under its counterintelligence authority and information collected by the Bureau in criminal matters. While there are overlaps between foreign intelligence and criminal investigations, especially in international terrorism matters, there are nonetheless important and long-standing rules intended to enforce the distinction. Since the period of COINTELPRO and the Church Committee, it has been recognized that the rights of American are better protected (and the FBI may be more effective) when international terrorism and national security investigations are conducted under the rules for criminal investigations. Section 9 is flawed for failing to recognize this distinction and seeming to encourage its obliteration.

SECTION 11

Section 11 of the bill is essentially a direction to the Executive Branch to be more aggressive in investigating ''terrorist fundraising'' of an undefined nature. Fundraising to support violent activities is properly a crime. But in the 1996 Antiterrorism and Effective Death Penalty Act, Congress also made it a crime to support the legal, peaceful political activities of groups that the Executive Branch designates as terrorist organizations. The 1996 Act was supposed to allow the government to respond to fundraising in the US on behalf of terrorist groups. At the time, opponents of the law argued that there was no evidence that extensive fundraising of this nature occurred and worried that the law would be used as an excuse to launch intimidating investigations into the political activities of Arab immigrants and other ethnic communities. We opposed the 1996 Act on the ground that it unconstitutionally criminalized support activities that were protected under the First Amendment. The proposed amendment to the intelligence authorization bill reaches even more broadly than the 1996 Act.

Section 11 of the bill essentially tells the Executive Branch to go out and punish fundraising conduct where little or none has been found. The recent case of Wen Ho Lee highlights the dangers of Congress telling the Executive Branch to be more aggressive in investigating and prosecuting a particular crime. The last time something like this happened was in the 1980s, when some in Congress urged the FBI to be more aggressive in investigating what they believed to be a Communist-supported conspiracy in the US to support terrorism in El Salvador. The resulting ''CISPES'' investigation intruded on the First Amendment rights of thousands of Americans peacefully opposed to US policy in Central America, turned up no evidence of wrongdoing, and proved a major embarrassment for the FBI. This danger is exacerbated by the proposed amendment, which encourages the Executive Branch to use Civil and administrative remedies, including the tax laws, that are not subject to the protections of criminal due process. It is further exacerbated since the amendment encourages the commingling of criminal information and intelligence information collected with the most intrusive of techniques and such secrecy that the targets of any adverse action may have a hard time defending themselves.

We also have concerns with other sections of the proposed amendment: (1) Section 6, concerning the guidelines on recruitment of CIA informants, implicitly questions the historical lessons and value judgments reflected in the guidelines and is clearly intended to be seen as a signal from Congress that the CIA should be freer in recruiting informants who are human rights abusers. This practice has embarrassed our country in the past and would embarrass us again if the practice were renewed, undercutting American foreign policy support for the rule of law and our efforts to discourage and resolve violence in emerging democracies and other transitional societies. (2) Section 12 would require IHIS to take ''actions'' to make standards for the physical protection and security of biological pathogens ''as rigorous as the current standards'' for critical nuclear materials.'' The questions posed by the threat of biological weapons require a far more carefully designed policy than a blanket direction to establish for ''biological pathogens'' the same protections that apply to critical nuclear materials. Take the case of West Nile virus, or the AIDS virus. Are these ''biological pathogens?'' Does section 12 mean that all medical research and all medical facilities handling research and treatment of the West Nile or AIDS viruses must institute the security clearance checks, polygraphs, and pre-publication review requirements (all of which raise serious constitutional due process, privacy and civil liberties concerns) that apply to workers at nuclear weapons facilities?

For these reasons, we urge you to oppose the addition of the Counterterrorism Act to the intelligence authorization bill.

Respectfully,

LAURA W. MURPHY,
Director,
American Civil Liberties Union, Washington National Office.

JAMES X. DEMPSEY,
Senior Staff Counsel,
Center for Democracy and Technology.

KATE MARTIN,
Executive Director,
Center for National Security Studies.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 28, 2000.

Hon. RICHARD SHELBY,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter expresses the views of the Justice Department on the proposed counterterrorism amendment (the ''Counterterrorism Act of 2000'') to S. 2507, the ''Intelligence Authorization Act for Fiscal Year 2001.'' The Department opposes the amendment.

Section 10 would amend 18 U.S.C. §2517 to permit the sharing of foreign intelligence or counterintelligence information, collected by investigative or law enforcement officers under title III, with the intelligence community. We oppose this provision, Although we recognize the arguments for allowing title III information to be shared as a permissive matter, this would be a major change to existing law and could have significant implications for prosecutions and the discovery process in litigation. Any consideration of the sharing of law enforcement information with the intelligence community must accommodate legal constraints such as Criminal Rule 6(e) and the need to protect equities relating to ongoing criminal investigations. While we understand the concerns of the Commission on Terrorism, we believe that law enforcement agencies have authority under current law to share title III information regarding terrorism with intelligence agencies when the information is of overriding importance to the national security.

Section 10 also raises significant issues regarding the sharing with intelligence agencies of information collected about United States persons. Such a change to title III should not be made lightly, without full discussion of the issues and implications.

Section 9 of the amendment presumptively would give the FBI 60 days to resolve these and other concerns in a report to Congress on the feasibility of establishing a dissemination center within the FBI for information collected and assembled by the FBI on international terrorism and other national security matters. In our view, the issues involved

in the dissemination of this information do not avail themselves of resolution in this very short time frame. In addition, we note that law enforcement officials conducting operations that result in the collection or assembly of this kind of information often will not be in a position to discern whether the information they have gathered actually qualifies as pertinent to foreign intelligence or counterintelligence. Accordingly, to the extent that disclosure becomes mandatory, we anticipate that a substantial and costly effort would be necessary to create the necessary screening process.

Section 11 of the amendment would require the creation of a joint task force to disrupt the fundraising activities of international terrorist organizations. We believe that this type of rigid, statutory mandate would interfere with the need for flexibility in tailoring enforcement strategies and mechanisms to fit the enforcement needs of the particular moment.

Section 12 of the amendment would require the Attorney General to submit a report on the means of improving controls of biological pathogens and the equipment necessary to produce biological weapons. Subsection 12(a)(2)(A) would require that the report include a list of equipment critical to the development, production, and delivery of biological weapons. We question the utility of such a list because it is our understanding that much of this equipment is dual-use and widely used for peaceful purposes. Section 12(b) directs the Secretary of Health and Human Services to undertake certain actions relating to protection and security of biological pathogens described in subsection (a). In keeping with the concerns regarding Executive branch authority, as discussed above, and the complexity and scope of this matter, the Administration believes that any authority should be vested in the President.

Moreover, section 12(a)(2)(B) would purport to require that the Attorney General submit a report to Congress on biological weapons that ''shall include'' the following:

(B) Recommendations for legislative language to make illegal the possession of the biological pathogens;

(C) Recommendations for legislative language to control the domestic sale and transfer of the equipment so identified under subparagraph A;

(D) Recommendations for legislative language to require the tagging or other means of marking of the equipment identified under subsection A.

We believe that these provisions are invalid under the Recommendations Clause, which provides that the President ''shall from time to time . . . recommend to [Congress] . . . such Measures as he shall judge necessary and expedient.'' U.S. Const. art. II, §3. Legislation requiring the President to provide the Congress with policy recommendations or draft legislation infringes on powers reserved to the President by the Recommendations Clause, including the power to decline to offer any recommendation if, in the President's judgment, no recommendation is necessary or expedient. Legislation that requires the President's subordinates to provide Congress with policy recommendations or draft legislation interferes with the President's efforts to formulate and present his own recommendations and proposals and to control the policy agenda of his Administration.

The constitutional concerns raised by the proposed amendment would be addressed by revising these provisions in either of the following ways: (1) provide that the reports the Attorney General submits may, instead of shall, include recommendations or (2) provide that ''the Attorney General shall, to the extent that she deems it appropriate,'' submit such recommendations to Congress.

More generally, we understand that this amendment may bypass the hearing and referral process and be appended immediately to S. 2507, the Intelligence Authorization bill, now headed for consideration on the floor of the Senate. Given the complexity of the issues, we would welcome a more considered dialogue between the branches of Government.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$607,973	$597,098
Highways	.....	26,920
Mass transit	.....	4,639
Mandatory	327,787	310,215
Total	935,760	938,872
Adjustments:		
General purpose discretionary	+468	+105
Highways	.....	.....
Mass transit	.....	.....
Mandatory	.....	.....
Total	+468	+105
Revised Allocation:		
General purpose discretionary	608,441	597,203
Highways	.....	26,920
Mass transit	.....	4,639
Mandatory	327,787	310,215
Total	936,228	938,977

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,534,078	1,495,819	7,381
Adjustments: Emergencies	+468	+105	−105
Revised Allocation: Budget Resolution	1,534,546	1,495,924	7,276

COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT

Mr. GORTON. Mr. President, I regret I was unable to vote on the final passage of the Colorado Ute Indian Water Rights Settlement Act, S. 2508. Had I been present, I would have voted in favor of this legislation.

This legislation has the support of the Governor and Attorney General of Colorado, the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe, the Native American Rights Fund, the Clinton Administration, not to mention the bi-partisan efforts of the Colorado and New Mexico delegations.

In addition, I would have voted in favor of the H.J. 115, the continuing resolution.

TRIBUTE TO SENATOR MOYNIHAN

Mr. FEINGOLD. Mr. President, today I rise to pay tribute to one of the greatest public servants among us: DANIEL PATRICK MOYNIHAN. For 24 years he has lent us the wisdom of his experience, the insights of his keen mind, and above all, the honor of his friendship. Senator MOYNIHAN reminds all of us what a Senator was intended to be. He is a leader who not only addresses the needs of his state, but who wrestles with the challenges facing the nation. Senator MOYNIHAN has been a great servant to the people of New York, but the legacy of accomplishments he leaves reach beyond New York's borders to touch the lives of every American.

With a brilliant intellect and an unwavering dedication, DANIEL PATRICK MOYNIHAN has helped us think through some of the toughest issues before this body, from welfare reform to taxation policy. He has worked to return secrecy to its limited but necessary role in government, an effort which I applaud. And he has lent his support to ''The Fisc,'' the annual compilation of the balance of payments between the states and the federal government, which brings needed attention to the ''donor'' status of New York, Wisconsin and other states. He has done a great service to our understanding of federal spending with his longtime support of this effort.

Recently, I was proud to work with Senator MOYNIHAN on the Mother-to-Child HIV Prevention Act of 2000, S. 2032, the substance of which was incorporated into the Global AIDS and Tuberculosis Relief Act of 2000, and signed into law in August. It was an honor to work with him to get this legislation to the President's desk. Senator MOYNIHAN's keen grasp of foreign affairs, as well as his mastery of domestic and urban issues, will be missed as he retires from the Senate.

Senator MOYNIHAN's lifetime of public service, his wisdom and experience, have been a wonderful gift to this body. I know my colleagues join me in my admiration for Senator MOYNIHAN as a public servant, my respect for him as a colleague, and my appreciation for him as a friend. It has been a distinct honor for me to serve with Senator MOYNIHAN since I came to this body in 1993. PAT, I wish you all the best as you retire from the U.S. Senate, and I look forward to your continued contributions to the nation as one of the greatest political thinkers of our age.

TRIBUTE TO RETIRING SENATOR CONNIE MACK

Mr. FEINGOLD. Mr. President, I rise today to pay tribute to the career of Connie MACK as he retires from the Senate. Senator MACK has served the people of Florida with distinction during his two terms in the Senate, as well as during his three terms in the House of Representatives. Throughout his career in public service, Senator MACK has been willing to address complex issues and help move the debate forward.

On matters of fiscal policy, Senator MACK and I have not often agreed, but I have admired his willingness to engage these issues in a serious way that fosters the kind of discussion we need in the Senate to deliberate on the difficult questions before us.

Senator MACK has been a steadfast advocate for increased NIH funding, and I have been proud to support his efforts, including his proposal, passed as an amendment to the fiscal year 1998 budget resolution, to double funding for NIH over the next five years. I share his belief that increasing funding for biomedical research is one of the most important ways we can improve the quality of life for America's families. Groundbreaking research, development of drug therapies and new medical procedures, all of these steps move us closer to life-saving medical breakthroughs that can detect, prevent, and eliminate life-threatening disease.

I have also been pleased to support Senator MACK's effort, along with Senator GRAHAM, to restore the Everglades. His work to preserve and restore this unique and beautiful area, home to fragile habitats and many endangered species, will undoubtedly be one of his greatest legacies.

It has been a pleasure to serve with Senator MACK over the last seven years. As he leaves the Senate, I wish him all the best and thank him for his many years of distinguished public service.

TRIBUTE TO BOB KERREY

Mr. FEINGOLD. Mr. President, when I first heard that BOB KERREY had decided not to run again, I knew the Senate was losing a true American original, and a big part of what makes the Senate special.

From my first moments in the Senate back in 1993, there was one thing I could tell right away—BOB KERREY is a true leader. In an age of poll-driven politics, BOB KERREY isn't afraid to ruffle a few feathers to raise the level of debate and work for the greater good. He has sparked debate on the big issues: saving Social Security, controlling federal spending, guaranteeing the right to health insurance, and helping the poor, just to name a few.

I was proud to work with him on the bipartisan deficit reduction package he spearheaded with former Senator Hank Brown of Colorado, and I'm proud to have a colleague with such a sincere commitment to fiscal responsibility. He fought to balance the federal budget when others said it could not be done. As Chair of the Bipartisan Commission on Entitlement and Tax Reform, BOB KERREY directed our attention to the long-term challenges that we need to heed.

BOB KERREY is a pleasure to work with, but he is also a courageous public servant who is willing to stand alone when it is necessary. In addition to his heroic record of public service, he is a hero who served his country valiantly in the Vietnam War. BOB KERREY brings great honor to the Senate as only the fifth Medal on Honor winner to serve in this body, and while he never makes a big deal about the honors he has received, every day he has served in the U.S. Senate, BOB KERREY has exhibited the strength of character that befit those tributes.

And while all those things are important, it is also essential to have a sense of humor, and we all know that BOB possesses that quality in spades. He is a pleasure to be around, and a good friend. I wish him all the best as he moves on to head the New School, and in everything he does.

TRIBUTE TO FRANK LAUTENBERG

Mr. FEINGOLD. Mr. President, as this Congress draws to a close, I want to take a moment to thank my friend FRANK LAUTENBERG for his 18 years of service in the body. The people of New Jersey are losing a skilled legislator and a gifted advocate. Whether he is fighting racial profiling or taking on the tobacco industry, FRANK LAUTENBERG has consistently fought for a healthier, safer, more just world for all of us.

After a successful career in the private sector, FRANK ran for the U.S. Senate motivated to give something back to his state and the nation. And never has he had greater success than during his 18 years in public service. It has been a pleasure to serve with Senator LAUTENBERG on the Budget Committee, where he has provided outstanding leadership as the committee's ranking member. Senator LAUTENBERG played a crucial role in crafting the bipartisan budget agreement of 1997 which led to the balanced budget, and putting this body back on the road to fiscal responsibility.

I stood side by side with Senator LAUTENBERG in the fight to implement the gift ban in 1995. And I've been especially proud to work with him to end racial profiling—the abhorrent law enforcement practice that targets African Americans, Hispanic Americans and other minorities for traffic stops based on the color of their skin. Together Senator LAUTENBERG and I introduced S. 821, the Traffic Stops Study Act, to require the Attorney General to conduct an initial analysis of existing data on racial profiling and then design a study to gather data from a nationwide sampling of jurisdictions. We've worked together on this issue for more than two years, and I believe our legislation will prevail, if not in this Congress, then in the next one.

I will proudly continue the fight to pass the Traffic Stops Study Act in the next Congress, but I will miss greatly FRANK's leadership on this issue. When we do finally pass this simple bill to get an accurate picture of racial profiling on our nation's roadways, we'll owe a big part of that victory to Senator LAUTENBERG.

Today I thank FRANK LAUTENBERG for his leadership on racial profiling and so many other issues that matter to the people of this nation. I wish him and his family all the best in his retirement, and thank him for his many contributions to the U.S. Senate, and to the American people.

THE SMALL BUSINESS INNOVATION RESEARCH'S RURAL OUTREACH PROGRAM

Mr. ENZI. Mr. President, I rise today to speak about giving small businesses the tools they need to be successful in today's competitive marketplace. I am committed to providing those tools by fully supporting the continuation of the Small Business Innovation Research (SBIR) Rural Outreach Program. Congressional commitment to small business development has created a network of people nationwide, especially in Wyoming, that is excited and knowledgeable about the SBIR Rural Outreach Program.

The SBIR Rural Outreach Program provides an excellent funding opportunity for individuals and small businesses in rural areas that have a passion to explore, develop and commercialize their innovative ideas. Created in 1982, the SBIR Program is a highly competitive program that encourages small business to explore their technological potential and provides the incentive to profit from its commercialization. By including qualified small businesses in the Nation's research & development arena, high-tech innovation is stimulated and the United States gains entrepreneurial spirit as it meets its specific research and development needs.

The SBIR Program is designed to target the entrepreneurial sector because that is where most innovation and innovators thrive. However, the risk and expense of conducting serious R&D efforts are often beyond the means of many small businesses. By reserving a specific percentage of federal R&D funds for small business, the SBIR Program protects the small business and enables it to compete on the same level as large businesses. The SBIR Program funds the critical startup and development stages and it encourages the commercialization of the technology, product, or service, which, in turn, stimulates the U.S. economy.

Each year, ten federal departments and agencies are required by the SBIR

Program to reserve a portion of their R&D funds for award to small business. Such agencies include the Department of Agriculture, Department of Commerce, Department of Defense, National Aeronautics and Space Administration, and National Science Foundation.

Following submission of proposals, agencies make SBIR awards based on small business qualification, degree of innovation, technical merit, and future market potential. Small businesses that receive awards or grants then begin a three-phase program. Phase I is the startup phase, awarding up to $100,000 for approximately 6 months support exploration of the technical merit or feasibility of an idea or technology. Phase II awards of up to $750,000, for as many as 2 years, expanding Phase I results. During this time, the R&D work is performed and the developer evaluates commercialization potential. Only Phase I award winners are considered for Phase II. Phase III is the period during which Phase II innovation moves from the laboratory into the marketplace. The small business must find funding in the private sector or other non-SBIR federal agency funding.

In 1997, Senator BURNS and I cosponsored legislation and Congress established the SBIR Rural Outreach Program to increase the SBIR participation of small businesses located in the states that receive the fewest SBIR awards. The program is limited to funding activities which encourage small firms in those states to participate in the SBIR Rural Outreach Program. The Outreach Program is targeted toward the 25 under-represented jurisdictions in the SBIR program in an effort to provide a secure funding mechanism to states so that they could develop an effective five-year effort to assist small businesses to take advantage of the SBIR program.

As you may know, western small businesses have some special impediments to overcome. The SBIR Rural Outreach Program provides an excellent funding opportunity for individuals and small businesses that have a passion to explore, develop and commercialize their innovative ideas. This is especially true in rural states like Wyoming. The Wyoming small business community is one of the cornerstones of our state's economy. Wyoming is the smallest state, with a large number of small businesses. The SBIR Rural Outreach Program is one way for Wyoming's small businesses to access federal funding.

Rural states need technology-based businesses that the SBIR program nurtures. The SBIR Rural Outreach Program is one of the few opportunities for Wyoming's small businesses to access federal R&D funding. I believe more innovative and aggressive approaches are needed to help rural states achieve greater participation in this, especially at those agencies that have proved difficult for small businesses to access.

There are several outreach activities that have been effective in helping small businesses in rural states compete successfully in the SBIR Rural Outreach Program. For example, the Wyoming SBIR Initiative outreach efforts have led to substantial gains in both the number of proposals submitted, the quality of proposals submitted, and the number selected for award. For example, Wyoming received one Phase I award in 1994. Wyoming, however, received 8 Phase I awards by 1995 and has received a total of 43 Phase I awards by 2000. To date, Wyoming has received approximately $9 million since 1987 for both Phase I and II awards, but there is still more that should be done to assist small businesses in the West.

I want to share the dramatic impact that SBIR awards have made on one Wyoming company—Wyoming Sawmills, Incorporated. The company's first Phase I SBIR award was from U.S. Department of Agriculture in May 1997, and it won the follow-on Phase II program in September 1998. The project aims to convert low-grade lumber into construction quality lumber through an innovative laminating technique. Wyoming Sawmills will begin commercial sales of the new product in 1999, and it already has captured related R&D funding based on this SBIR project. In January 1999, the company won a National Science Foundation Phase I award on another laminated wood product concept.

Another success story is CC Technology. CC Technology, a Laramie-based small business, has been notified of a $400,000 SBIR Phase II grant award from the National Science Foundation, NSF. During Phase I, the business did research on measuring cyanide levels in gold mining leach pads. For Phase II, a team consisting of CC Technology, Detection Limit, and Aspect Consultant Group has been built to monitor cyanide at both the mining solution levels and at trace levels for environmental compliance.

I want to express a special thank you to Chris Busch, from Senator BURNS' home state of Montana and who coordinated SBIR efforts in Wyoming for the past five years. Chris Busch did a remarkable job working with people in Wyoming to raise the awareness and participation of small businesses in the SBIR program. Working with small businesses, public organizations, and others in Wyoming and nationwide, Chris got people involved, helped them through the grant management process, and guided them in market development and commercialization. His commitment to small business development has created a network of people in Wyoming that is excited and knowledgeable about SBIR. Chris has helped to plant the seeds of economic diversity in communities that really need it. Chris' activities and commitment of this program are making SBIR work.

In closing, SBIR programs work for small businesses in rural states, especially Wyoming. Fortunately, we have several dedicated westerners in the Congress who have committed their time and legislative efforts to expand the successes of SBIR to all parts of the country. It is my hope that my colleagues will see the importance of this particular government program that is truly assisting small businesses nationwide. I look forward to continued bipartisan efforts to benefit our nation's small businesses by strongly supporting the SBIR Rural Outreach Program.

REAUTHORIZATION OF THE STATE AGRICULTURAL MEDIATION PROGRAM

Mr. JOHNSON. Mr President, I rise today to applaud Senate adoption of legislation I introduced to re-authorize and expand a popular program which provides mediation services between agricultural producers and the various credit and United States Department of Agriculture agencies who family farmers and ranchers work with to maintain their farming and ranching operations.

On June 15, 2000, I introduced S. 2741, legislation to re-authorize, expand, and clarify the state agricultural mediation program. Nine Senators cosponsored this legislation, including Senators DASCHLE, ROBERTS, CONRAD, GRASSLEY, KERREY, CRAIG, HARKIN, DORGAN, and LEVIN. I thank these colleagues for their bipartisan support for my bill, which was included as part of the Grain Standards Act adopted by the Senate earlier this week.

Extension of this mediation program was adopted with wide bipartisan support in the Senate as part of the Grain Standards Act Reauthorization. The present state agricultural mediation law was set to expire this year, but our reauthorization extends it through 2005.

This step was significant because family farmers and ranchers in my state of South Dakota and all across this country continue to suffer from a depressed rural economy and rock-bottom commodity prices. Agriculture is the backbone of our economy, and we must not fail to provide support to our family farmers and ranchers who are coping with these difficult times.

During the 1980's farm crisis, Congress approved federal funds and participation in a state-by-state operated farm mediation program. Authorized in the Agricultural Credit Act of 1987, this mediation program helps farmers and ranchers, and their creditors, in resolving credit disputes in a confidential and non-adversarial setting, which is outside the traditional process of litigation, appeals, bankruptcy, and foreclosure. The mediators are neutral facilitators and they do not make decisions for the disputing parties.

Each year Congress provides funding for state mediation, and these funds are matched with state funds to carry out the mediation program. Currently,

twenty-five states participate in this mediation program, including Alabama, Arkansas, Arizona, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Nevada, New Mexico, New York, New Jersey, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

I am pleased we were able to clarify and expand the scope of mediation in this reauthorization. With the support and direction of the Coalition of Agricultural Mediation Programs (CAMP), mediation now clearly can aim to resolve disputes such as wetland determinations, grazing issues, and USDA farm program matters, in addition to the traditional credit role of mediation. CAMP represents the individuals and entities across the nation who administer the state agricultural mediation programs, and I thank that organization for their leadership on this issue.

I want to specifically offer my thanks and gratitude to Linda Hodgin, Director of Mediation and Ag Counseling, with the South Dakota Department of Agriculture. Linda's knowledge, input, and ability to work with CAMP enabled Congress to enact the mediation reauthorization this year. Under her direction in the last two years, around 500 family farmers and ranchers in South Dakota have benefitted from the services of mediation and counseling. The mediators and counselors who work with Linda in South Dakota are to be commended for their time and commitment to family farm agriculture.

We live in a day and age where nearly every farmer and rancher must secure financing from some source in order to take care of production costs associated with agricultural production. This mediation program allows agricultural producers to settle their credit and farm program disputes in a fair way without digging themselves into legal debt. I wish to thank my colleagues who supported this important initiative.

VICTIMS OF GUN VIOLENCE

Mrs. BOXER. 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 the names of some of those who have 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.

October 26, 1999:

Manuel Guilarte, 78, Miami-Dade County, FL;

Damien McFarland, 25, Gary, IN;

Willie B. Nelson, 47, Atlanta, GA;

Sarah Petty, 49, Atlanta, GA;

Brett Pleasants, 39, Denver, CO;

Brenda Ray, 31, Atlanta, GA;

Tony B. Richards, 32, Memphis, TN;

Fernando Rodriquez, 25, Detroit, MI;

Comer Sistrunk, Jr., 61, Cincinnati, OH;

Ronald Turchi, 61, Philadelphia, PA;

Tony Unk, Houston, TX;

Michael Washington, 16, Baltimore, MD; and

Deric West, 18, Oakland, CA.

One of the victims of gun violence I mentioned, 31-year-old Brenda Ray of Atlanta, was shot and killed one year ago today while walking home from her sister's house with her two children. A stranger approached Brenda, robbed her, then shot her in the chest while her six-year-old son and five-year-old daughter stood by watching.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

PASSAGE OF S. 3164

Mr. LEAHY. Mr. President, I am pleased that the ''Protecting Seniors from Fraud Act'' passed the Senate. I was an original cosponsor of this bill, S. 3164, which Senator BAYH introduced on October 5, 2000, with Senators GRAMS and CLELAND. I have been concerned for some time that even as the general crime rate has been declining steadily over the past eight years, the rate of crime against the elderly has remained unchanged. That is why I introduced the Seniors Safety Act, S. 751, with Senators DASCHLE, KENNEDY, and TORRICELLI over a year ago.

The Protecting Seniors from Fraud Act includes one of the titles from the Seniors Safety Act. This title does two things. First, it instructs the Attorney General to conduct a study relating to crimes against seniors, so that we can develop a coherent strategy to prevent and properly punish such crimes. Second, it mandates the inclusion of seniors in the National Crime Victimization Study. Both of these are important steps, and they should be made law.

The Protecting Seniors from Fraud Act also includes important proposals for addressing the problem of crimes against the elderly, especially fraud crimes. In addition to the provisions described above, this bill authorizes the Secretary of Health and Human Services to make grants to establish local programs to prevent fraud against seniors and educate them about the risk of fraud, as well as to provide information about telemarketing and sweepstakes fraud to seniors, both directly and through State Attorneys General. These are two common-sense provisions that will help seniors protect themselves against crime.

I hope that we can also take the time to consider the rest of the Seniors Safety Act, and enact even more comprehensive protections for our seniors. The Seniors Safety Act offers a comprehensive approach that would increase law enforcement's ability to battle telemarketing, pension, and health care fraud, as well as to police nursing homes with a record of mistreating their residents. The Justice Department has said that the Seniors Safety Act would ''be of assistance in a number of ways.'' I have urged the Chairman of the Senate Judiciary Committee to hold hearings on the Seniors Safety Act as long ago as October 1999, and again this past February, but my requests have not been granted. Now, as the session is coming to a close, we are out of time for hearings on this important and comprehensive proposal and significant parts of the Seniors Safety Act remain pending in the Senate Judiciary Committee as part of the unfinished business of this Congress.

Let me briefly summarize the parts of the Seniors Safety Act that the majority in the Congress declined to consider. First, the Seniors Safety Act provides additional protections to nursing home residents. Nursing homes provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's ''proposed minimum standard'' for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarketing fraud, which costs billions of dollars every year. This legislation would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, this proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could find out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints

or been convicted of fraud. Senator BAYH has recently introduced another bill, S. 3025, the Combating Fraud Against Seniors Act, which includes the part of the Seniors Safety Act that establishes the clearinghouse for telemarketing fraud information.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. The bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes ''deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement.'' This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offenses in both criminal and civil proceedings. It also protects whistle-blowers who alert law enforcement officers to examples of health care fraud.

I commend Senators BAYH, GRAMS and CLELAND for working to take steps to improve the safety and security of America's seniors. We have done the right thing in passing this bipartisan legislation and beginning the fight to lower the crime rate against seniors. I also urge my colleagues to consider and pass the Seniors Safety Act. Taken together, these two bills would provide a comprehensive approach toward giving law enforcement and older Americans the tools they need to prevent crime.

ADDITIONAL STATEMENTS

TRIBUTE TO LOCAL 1945, AFGE

● Mr. SESSIONS. Mr. President I rise to day to pay tribute to the Local 1945 Chapter of the American Federation of Government Employees.

On December 1, 1959 the charter of the American Federation of Government Employees (Local 1945) was established at Anniston Army Depot. Of the seventy-eight charter members that established Local 1945, only nine survive today.

These nine leaders in government service, through their courage and dedication, were instrumental in the development of a proud and professional workforce for Anniston Army Depot and the Department of Defense. The workforce these individuals cared for and inspired has supported United States soldiers around the world during times of conflict, crisis and war. In the jungles of Vietnam, along the thirty-eighth parallel, and in the sands of Kuwait have been evidenced the dedication of the Anniston Army Depot employees to their nation's soldiers. Tanks, small arms, and munitions did not leave the hills of Alabama alone but were accompanied by the thoughts and prayers of a humble and caring group of federal employees shaped in many ways, by these special nine men.

Today, while we seek to honor these fine men in the sunset of their lives it must be noted that the traditions of excellence and integrity they gave to their co-workers still survives in youthful exuberance, rekindled by this remembrance.

In homage to: Billy Bean; Elmer Graham; Raymond Guthrie; Atwell Burgess; William Hammond; Raymond Lusk; George Hunt; J.B. Perry; and William Hagan.●

RECOGNIZING CALIFORNIA'S OLYMPIANS

● Mrs. FEINSTEIN. Mr. President, I rise today to recognize California's participants in the Games of the XXVIIth Olympiad for their outstanding efforts and accomplishments. I am so proud of their performances and the dignity with which they carried themselves.

This year, the United States had another spectacular Games, and I am particularly pleased that Californians had much to do with our success. Some of this year's most memorable moments involved athletes from California: Marion Jones was the first woman ever to medal in five track and field events, Sean Burroughs helped our baseball team snatch gold from a heavily favored Cuban Team, Eric Fonoimoana and Dain Blanton won gold in the beach volleyball tournament, Venus Williams was the second woman ever to win gold medals in both singles and doubles tennis, and Lisa Leslie led the women's basketball team to its 34th Olympic championship.

The Olympics have long been the world's premiere stage where athletes compete; their performances are inspiring and, sometimes, heart-breaking. And while the world enjoys two weeks of drama and intense competition, we must remember that these athletes have chased their Olympic dreams for years, even decades, with perseverance and courage. I thank each athlete—qualifier and medal winner alike—for giving us the privilege of witnessing their triumphs. Each performance was a very personal moment in these athletes' lives, and I am inspired by their courage and resolve to pursue their Olympic dreams. These athletes competed with all their heart and they make California proud.

Mr. President, I ask that the following names of the medal winning athletes from California be printed in the RECORD.

Aaron Peirsol, Silver medal, Swimming—Men's 200 Meter Backstroke.

Amanda Beard, Bronze Medal, Swimming—Women's 200 Meter Breaststroke.

Venus Williams, Gold Medal, Tennis—Women's Singles; Gold Medal, Tennis—Women's Doubles.

Serena Williams, Gold Medal, Tennis—Women's Doubles.

Guenter Seidel, Bronze Medal, Equestrian Team Dressage Grand Prix.

Christine Traurig, Bronze Medal, Equestrian Team Dressage Grand Prix.

Eric Fonoimoana, Gold Medal, Men's Beach Volleyball.

Dain Blanton, Gold Medal, Men's Beach Volleyball.

Sean Burroughs, Gold Medal, Men's Baseball.

Marion Jones, Gold Medal, Track and Field—Women's 100 Meters; Gold Medal, Track and Field—Women's 200 Meters; Gold Medal, Track and Field—Women's 4x400 Meter Relay; Bronze Medal, Track and Field—Women's 4x100 Meter Relay; Bronze Medal, Track and Field—Women's Long Jump.

Chryste Gaines, Bronze Medal, Track and Field—Women's 4x100 Meter Relay.

Torri Edwards, Bronze Medal, Track and Field—Women's 4x100 Meter Relay.

Mari Holden, Silver Medal, Cycling—Women's Individual Time Trial.

Lisa Leslie, Gold Medal, Women's Basketball.

Gary Payton, Gold Medal, Men's Basketball.

Alonzo Mourning, Gold Medal, Men's Basketball.

Jason Kidd, Gold Medal, Men's Basketball.

Mark Reynolds, Silver Medal, Sailing—Men's Open Sail Star Fleet Races.

Lorrie Fair, Silver Medal, Women's Soccer.

Kaitlin Sandeno, Bronze Medal, Swimming—Women's 800 Meter Freestyle.

Bernice Orwig, Silver Medal, Women's Water Polo.

Joy Fawcett, Silver Medal, Women's Soccer.

Mark Crear, Bronze Medal, Track and Field, men's 110 Meter Hurdles.

Jason Lezak, Silver Medal, Swimming—Men's 4x100 Meter Free Relay.

Jenny Thompson, Gold Medal, Swimming—Women's 4x100 Medley; Gold Medal, Swimming—Women's 4x200 Meter Free Relay; Gold Medal, Swimming—Women's 4x100 Meter Free Relay; Bronze Medal, Swimming—Women's 100 Meter Freestyle.

Lenny Krazelburg, Gold Medal, Swimming—Men's 100 Meter Backstroke; Gold Medal, Swimming—Men's 200 Meter Backstroke; Gold Medal, Swimming—Men's 4x100 Meter Medley.

Anthony Ervin, Gold Medal, Swimming—Men's 50 Meter Freestyle; Silver Medal, Swimming—Men's 4x100 Meter Free Relay.

Anthony Ervin, Silver Medal, Swimming—Men's 4x100 Meter Free Relay.

John Godina, Bronze Medal, Track and Field, Men's Shot Put.

Pease Glaser, Silver Medal, Sailing, Women's 470 Fleet Races.

Tom Wilkens, Bronze Medal, Swimming—200 Meter Individual Medley.

Dara Torres, Gold Medal, Swimming—Women's 4x100 Medley; Gold Medal, Swimming—Women's 4x100 Meter Free Relay; Bronze Medal, Swimming—Women's 100 Meter Butterfly; Bronze Medal, Swimming—Women's 100 Meter Freestyle; Bronze Medal, Swimming—Women's 50 Meter Freestyle.

Sheila Douty, Gold Medal, Softball.

Kathy Sheehy, Silver Medal, Women's Water Polo.

Calvin Harrison, Gold Medal, Track and Field—4x400 Meter Relay.

Alvin Harrison, Gold Medal, Track and Field—4x400 Meter Relay; Silver Medal, Track and Field—400 Meters.

Stacey Nuveman, Gold Medal, Softball.

Yolanda Griffith, Gold Medal, Women's Basketball.

Lisa Fernandez, Gold Medal, Softball.

Danielle Slaton, Silver Medal, Women's Soccer.

Brandi Chastain, Silver Medal, Women's Soccer.
Kimberly Rhode, Bronze Medal, Shooting—Women's Double Trap Final.
Nicole Payne, Silver Medal, Women's Water Polo.
Maurice Green, Gold Medal, Track and Field—100 Meters; Gold Medal, Track and Field—4x100 Meter Relay.
Robin Beauregard, Silver Medal, Women's Water Polo.
Nikki Serlenga, Silver Medal, Women's Soccer.
Crystl Bustos, Gold Medal, Softball.
Julie Foudy, Silver Medal, Women's Soccer.
Laura Berg, Gold Medal, Softball.
Dot Richardson, Gold Medal, Softball.
Ericka Lorenz, Silver Medal, Women's Water Polo.
Adam Nelson, Silver Medal, Track and Field—Men's Shot Put.
Lindsey Benko, Gold Medal, Swimming—Women's 4x200 Meter Free Relay.
Heather Petri, Silver Medal, Women's Water Polo.
JJ Isler, Silver Medal, Sailing—470 Fleet Races.
John Drummond, Gold Medal, Track and Field—4x100 Meter Relay.
Julie Swail, Silver Medal, Women's Water Polo.
Coralie Simmons, Silver Medal, Women's Water Polo.
Ellen Estes, Silver Medal, Women's Water Polo.
Brenda Villa, Silver Medal, Women's Water Polo.

RECOGNIZING ROBERT A. ELLERD

● Mr. BURNS. Mr. President, I would like to take a moment to recognize Robert A. Ellerd—a great Montanan, a great Marine, and a great man.

This year, Bob will be honored as Marine of the Year by the Gallatin Valley Detachment of the Marine Corps League. Every year these Marines get together for the Marine Corps Birthday Ball in Bozeman to honor the tradition of the Marines as well as recognize one of their own. Bob certainly deserves to be the one honored.

Bob enlisted in the Marines in December 1941, even though he worked in an essential industry—meat packing—and could have accepted a deferment. After training in San Diego, he left for the South Pacific. There he helped guard the Samoa Islands and took part in the fierce combat in the Allied efforts to take Guadalcanal and the Marshall and Gilbert Islands.

Later in the war, Bob used his combat experience to train other infantry before they headed to the front lines. No doubt his work helped save hundreds of lives and contributed to the victory that saved the world from tyranny.

There really are no words that I can say to adequately thank Bob Ellerd, but I can express my appreciation from a grateful nation. Bob is one reason we now call it the Greatest Generation, and they couldn't have a picked a better Marine of the Year. Thank you Bob, and Semper Fi.●

TRIBUTE TO JOHN F. GARDE UPON HIS RETIREMENT

● Mr. DURBIN. Mr. President, today I would like to pay tribute to a constituent from Illinois, John F. Garde. Mr. Garde will soon be retiring as the Executive Director of the American Association of Nurse Anesthetists, AANA, after 17 years of service. I am very pleased to honor the distinguished career of John F. Garde for his contributions to the practice of anesthesia from my state of Illinois.

The AANA is the professional association that represents over 27,000 practicing Certified Registered Nurse Anesthetists (CRNAs). Founded in 1931, the American Association of Nurse Anesthetists is the professional association representing CRNAs nationwide. As you may know, CRNAs administer more than 65 percent of the anesthetics given to patients each year in the United States. CRNAs provide anesthetics for all types of surgical cases and are the sole anesthesia provider in two-thirds of all rural hospitals, affording these medical facilities obstetrical, surgical and trauma stablization capabilities. They work in every setting in which anesthesia is delivered including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and plastic surgeons.

John received his anesthesia training in 1957 from St. Francis Hospital School of Anesthesia in LaCrosse, WI and began practicing at the U.S. Public Health Hospital in Detroit, Michigan the following year. Having been a provider of anesthesia for numerous years he became an Associate Professor and Chairman of the Department of Anesthesia at Wayne State University, College of Pharmacy and Allied Health in 1975. Using this experience, he then became the Education Director of the AANA in Park Ridge, IL in 1980 before taking his current role as Executive Director in 1983. He accolades range from propelling nurse anesthesia programs into a graduate framework resulting in 50 per cent of them moving into the College of Nursing, as well as establishing the International Federation of Nurse Anesthetists (IFNA) during his tenure with the AANA. John has served the AANA as a member, board member, past president, and now will be retiring as a very celebrated executive director among his peers.

Mr. Garde has many honors to follow his list of career accomplishments. John was inducted as a fellow of the American Academy of Nursing in 1994. In 1999 the Association of Chicagoland recognized him for his outstanding contributions to the Association community, presenting him with the John C. Thiel Distinguished Service Award.

I ask my colleagues to join me today in recognizing Mr. John F. Garde, CRNA, MS, FAAN, for his notable career and outstanding achievements.●

TRIBUTE TO VAUGHAN TAYLOR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mr. Vaughan Taylor, a Jacksonville, North Carolina, attorney and his wife Linda for their heroic efforts to help save the lives of three of the crew members aboard the *Frisco*, a Virginia Beach fishing vessel.

Avid sailors, Vaughan and Linda are no strangers to the perils of the sea. As Vaughan navigated their 40 foot sailboat, *Legacy*, off the shores of North Carolina, he encountered a pile of floating wreckage. What he did not expect to find were three members of the Lynnhaven based scalloper, *Frisco*. It had been more than eight hours since a freighter had emerged from the fog, crushing the *Frisco* and leaving its crew of four clinging to debris in the dead of night.

Knowing that their boat was not only low on fuel in bad weather, but also dangerously testing the limit to his radio's frequency, Vaughan and Linda pushed ahead, determined to rescue these men. After radioing for help from anyone who could hear his plea, Vaughan sprang to action aboard the sailboat and began to haul the first member of the crew out of the water. Time was of the essence as he struggled to pull the other crew member from the water. Unable to fight against the weight of his water logged survival suit, Vaughan secured the survivor to the boat with a life preserver and tight line.

Using their years of experience at sea, Vaughan and his wife risked their own safety to save the lives of these men. By treating them for hypothermia, they were able to avoid a fatal tragedy for these men. Concentrating on getting the men the five miles back to shore safely, Vaughan hoisted the sails, kept in touch with the U.S. Coast Guard and began cruising at top speeds towards the Chesapeake Bay. Ending the heroic crusade with the credit of saving these lives, and only a mere .8 gallons of gas to spare, Vaughan Taylor serves as a positive role model for all those who venture into the high seas.

In all that Vaughan Taylor approaches, he gives unbridled efforts, and stops at nothing short of success. As has been the case in his work for U.S. personnel missing in action and their families, Vaughan continuously fights for the rights of others. He is also one of the most well-respected attorneys representing military personnel who need help, and his knowledge of the uniform code of military justice is second to none. It comes as no surprise that he would risk his own life with his wife by his side, to save his fellow man. I am proud to call Vaughan Taylor a close friend of mine, and I applaud his devotion to humanitarian causes.

Mr. President, also let me express my sympathy to the family of Captain Charlie Peel, the owner of the *Frisco*, who, unfortunately was never found. He was very much respected by all of the waterman in Lynnhaven Inlet, and was like a father to the others aboard the *Frisco*. I am sure he will be missed, and is in our thoughts and prayers.●

UNITED STATES COURTHOUSE AT ISLIP, NEW YORK

• Mr. MOYNIHAN. Mr. President, on October 16 the new United States Courthouse at Islip, New York, was dedicated in a splendid ceremony at which the distinguished architect Richard Meier spoke, in the company of Robert A. Peck, the singularly gifted Commissioner of the Public Buildings Service of the General Services Administration.

The ceremony was splendid for the simple reason that the courthouse is magnificent. Perhaps the finest public building of our era. Certainly the finest courthouse. And it could never have happened save for the Design Excellence Program Commissioner Peck has put in place with his characteristic compound of genius and persistence.

Major Peck, as he is known to his friends (he was a Green Beret officer), is a public servant of unexampled ability and achievement. His record is known to all. Some number of years ago when he was counsel to the Senate Committee on Environment and Public Works, he put together for the Committee a slide show consisting of photographs of early public buildings in early America. He did not plead his case; he made it. The buildings exude a confidence and expectation that clearly explain the endurance of American democracy. I recall in particular a white wooden-frame courthouse in Rhode Island. Graceful, serene, unthreatening yet equally forceful. Of a sudden it came to us. As nowhere else on earth, the courthouse is a symbol of government in the United States. Go to London, go to Paris. There are courthouses, or at least courtrooms there. If you can find them. Amidst the cathedrals and the palaces, and to be sure, the buildings of the legislature. Here it is different. The courthouse square is where folk gather.

The Nation owes Robert A. Peck more than it will ever know. But this would hardly matter to him. As the time approaches when he will leave government, he takes with him the knowledge of his singular public service.

I ask that Major Peck's address on the occasion of the courthouse dedication be included in the RECORD at this point, along with a brief summary of his service.

The material follows:

ROBERT A. PECK, COMMISSIONER, GSA PUBLIC BUILDING SERVICE, 16 OCTOBER 2000

Building partners, GSA colleagues, and distinguished guests; may it please the court: This is a fine day, a great day for this Court, for New York, for Long Island and for us in the General Services Administration. But more important still, we might well someday regard this as the day that marked the full flowering of a renaissance in public building in America.

At the turn of another century, at this season exactly two hundred years ago, the White House and the Capitol were occupied, if not quite completed, in Washington. It is not by chance that they quickly became the architectural icons of American democracy. George Washington and Thomas Jefferson intended them to be just that. They conscientiously sought to erect Federal buildings of a scale, style and quality that would reflect the noble origins and intentions of the new government.

And so began a tradition of American public building that would, for a century and a half, produce some of the finest buildings in America. The federal government built courthouses, post offices, land offices and custom houses all over the expanding nation. You can see photos of Federal buildings of imposing stature, constructed of enduring materials and elegantly detailed, sitting on unpaved streets in what were literally one-horse towns. The buildings simultaneously planted the flag and put the towns on the map. The government was proud to build them and the townspeople were proud to have them. States and cities followed suit with stately civic buildings, malls, and memorials.

Then, after World War II, something happened. As the scale of government increased, public buildings diminished. Not in size, but in accomplishment. Just as GSA was being founded, fifty-one years ago, public architecture fell into decline and, quickly, into deserved disrepute.

As in so many other things, there was a brief shining moment for public architecture in the Kennedy Administration. Drafted by a then-special assistant to the Secretary of Labor, one Daniel Patrick Moynihan, a set of Guiding Principles for Federal Architecture appeared from nowhere. Certainly no one had asked for them. The Principles called for federal architecture which is ''distinguished and which will reflect the dignity, enterprise, vigor and stability of the American National Government.'' But the Kennedy era produced few buildings and, in any event, the spark didn't ignite.

GSA would try on occasion. I was witness to one noteworthy hearing in the first or second year of Senator MOYNIHAN's first term in which a GSA official, pointing to a tepid design, said the government was trying to put the poetry back in its architecture. Senator MOYNIHAN advised, ''better try to learn the prose first.''

Look at this building. Walt Whitman does come to mind, or perhaps Mozart or Copland, if architecture is indeed frozen music.

GSA is now some forty buildings into the largest public buildings program since that of the 1930's. We are turning out building after building, mostly courthouses but also office buildings, border stations and even laboratories, that meet the test of the Guiding Principles.

GSA's Design Excellence Program has changed our expectations for public architecture. Members of Congress from both parties and local community leaders now demand quality from us. Many cities are following suit and are hiring the best designers they can find to build new civic structures, in so doing reviving their own traditions born in the City Beautiful movement of a century ago.

Inside GSA, Design Excellence has spurred us to demand higher quality of ourselves, not just in architecture but in all that we do. We aspire to build historic landmarks for the next generation. Just as so many Federal buildings of the 19th and early 20th century have become local landmarks that citizens rally to defend, so we are determined that our new buildings will stir affectionate and passionate defenders in the years to come.

Richard Meier's accomplishment here sets a mark that will be hard to surpass but that challenges us to accept nothing short of the inspirational when we build.

GSA in this Administration made a bold decision to pursue design excellence. All praise is due to GSA's chief architect, Ed Feiner, a native of New York City and his GSA colleague, Marilyn Farley, who persevered through years of indifferent response inside GSA to become the architects of our Design Excellence process. In his New Yorker review of this building, Paul Goldberger said the GSA was a much more enlightened client for Richard Meier than was at least one other well-known client of his. To Ed and Marilyn go much of the credit for this.

We are fortunate to have as our clients in this, as in so many of our projects, the federal judiciary. They are not easy clients, as you might expect of those with lifetime tenure who are used to having the final say. But they are the best clients, because they care about the quality of the buildings in which they carry out perhaps the most sensitive function in our society. Judge Wexler has lived and breathed this building for a long, long time and we are all in his debt.

At these dedications, those of us who speak—the judges and the architects excluded—often have had little to do with the day to day agonies and triumphs of seeing a project like this to completion. So thanks to the GSA project managers, the construction managers, the architect's team and the builders, those who sat here in the construction trailers, who hammered out the details and who worked in the prose of budgets and schedules. And thanks to the construction workers, too often overlooked as we congratulate each other.

Again, thank you to Richard Meier. Your building is at once a structure that stirs emotion and embodies reason, a building that at once demonstrates the power of large ideas and proves, as Mies van der Rohe said, that god is in the details.

May I sound a few cautionary notes and, in this political season, petition for help? We have retained our way on public architecture only recently, to the enduring benefit of our people, our communities and our policy. But we could regress.

There are still some, not many, thankfully, who would limit budgets to such a degree that we would be putting up throw-away buildings. GSA has combined judicious and vigorous budget-setting with our design excellence procedures to make sure that we build with prudence as well as with grace.

There are some, again not many, who think GSA should build in a ''traditional'' style, whatever that means. At the turn of the last century, the federal government did decree an official style. As happens too frequently in government, what started out as a declaration in favor of a fresh idea remained in force so long that it prevented the government from keeping up with changing times. The Guiding Principles wisely forbade the government from having an official style and directed instead that the government take architectural direction from the best practitioners in the private design community. We need support in building buildings like this one, a striking and ennobling structure of and for the 21st century.

And finally, there is the nation's understandable concern with security. We must build buildings like this one, that intelligently and rationally counter likely and deterrable risks. We must not and need not wall off our public buildings and our public servants from the public they are intended to serve. We must not let the terrorists become our most influential architects.

Everyone in GSA who has had anything to do with this project will be proud as long we he or she lives that we had even a small role in giving New York and the nation this temple of democracy. We are proud to be building buildings worthy of the American people—none so worthy as this.

ROBERT A. PECK

Robert A. Peck was appointed Commissioner of the Public Buildings Service of the U.S. General Services Administration on December 26, 1995. The position dates in a direct line to the establishment of a Federal Office of Construction in 1853. As head of the Public Buildings Service, Bob Peck is in charge of asset management and design, construction, leasing, building operations, security and disposals for a real estate portfolio of more than 330 million square feet in more than 8,300 public and private buildings accommodating over one million workers. PBS owns or leases nearly all civilian Federal office space, courthouses and border stations and many laboratories and storage facilities. The PBS annual budget is approximately $5.5 billion, nearly 90% of which is contracted to the private sector.

Mr. Peck has been a land use and real estate lawyer, real estate investment executive and vice president for government and public affairs at the American Institute of Architects.

In prior public service, Mr. Peck has worked at the U.S. Office of Management and Budget, the National Endowment for the Arts, the Carter White House and the Federal Communications Commission. He was chief of staff to U.S. Senator Daniel Patrick Moynihan (D–NY) and a counsel to the Senate Committee on Environment and Public Works (where among his other duties was oversight of the Public Buildings Service). He was also a Special Forces (Green Beret) officer in the U.S. Army Reserve.

Mr. Peck received his B.A., cum laude, Phi Beta Kappa, with distinction in economics, from the University of Pennsylvania in 1969 and his J.D. from Yale Law School in 1972. He has been a visiting lecturer in art history at Yale University and a visiting Loeb Fellow at the Harvard University Graduate School of Design. In 1997, he was named an honorary member of the American Institute of Architects and in 2000 received a Corporate Real Estate Leadership award from Site Selection, the magazine of the International Development Research Council.

Bob Peck has been active in historic preservation and urban design, serving as president of the D.C. Preservation League and as a presidential appointee on the U.S. Commission of Fine Arts, the Federal design review board for the nation's capital. He has written and spoken extensively on preservation, urban planning, infrastructure investment and transportation. He is a member of the Board of Regents of the American Architectural Foundation and serves on the national advisory board of the Mayors Institute on City Design.●

GENERAL SCHOOMAKER

● Mr. THOMAS. Mr. President, it is a privilege for me to join the Secretary of Defense in recognizing General Peter Schoomaker, a man whose lifetime of service commemorates the very spirit on which our great country was founded. General Schoomaker's distinguished military career will draw to a close on October 27, 2000, when he steps down from his position as Commander in Chief of the United States Special Operations Command.

General Schoomaker has always demonstrated a commitment to excellence and service. Since being commissioned as a second lieutenant in 1969, upon graduation from the University of Wyoming, his commitment to serve has provided him with the foundation of a lifetime of success. He has served at all levels in conventional and special operations and participated in numerous contingency operations, ranging from Desert One in Iran through Uphold Democracy in Haiti. He currently shoulders the responsibility for all special operations of the Army, Navy, and Air Force, both active and reserve.

Clearly, General Schoomaker has been a pivotal and talented player on the national security stage, but his measure as a man goes beyond the profession at which he excels. General Schoomaker's quest for excellence began early when he was a defensive lineman for the University of Wyoming football team which won the 1967 Sugar Bowl. These memories rank high on his list of notable achievements, primarily because of the teamwork it took to succeed. Fostering a spirit of teamwork continues to be the guiding force in General Schoomaker's leadership philosophy, and his enduring legacy for the service epitomizes the concepts he learned long ago on the gridiron.

Mr. President, the people of Wyoming have been blessed with a long list of servicemen and women who are willing to put the needs of other in front of their own. Today, I have the opportunity to celebrate an adopted son of my home state, General Peter Schoomaker, a man who embodies the qualities of determination, self-sacrifice, and leadership.●

IN RECOGNITION OF DEBORAH V.H. COOK AND PATRICIA BUEKAMA

● Mr. TORRICELLI. Mr. President, I rise today to recognize Ms. Deborah V.H. Cook and Ms. Patricia Buekema for their 25 years of service to the Glen Ridge School System.

For the past 25 years, these outstanding educators have taught many grade levels and a countless number of students have benefitted from their instruction. As members of the Glen Ridge community, Ms. Cook and Ms. Buekema have demonstrated an extraordinarily high level of commitment and selflessness to which we should all strive to achieve.

However, the impact of their service reaches far beyond the classroom. Both Ms. Cook and Ms. Buekema have dedicated themselves to creating a supportive and productive environment for the youth of Glen Ridge. They have helped to shape the minds and encourage the spirit of these young individuals during a crucial stage of development in their lives.

Ms. Cook's and Ms. Buekema's accomplishments, throughout their years of service, reflect only a small portion of the many contributions they have made to the people of Glen Ridge. Their efforts have touched the lives of their students as well as those throughout their community.

They are an example of the professionalism that we look for in our educators, and the type of citizens that we hope to find in our neighborhoods, which is why their dedication is to be recognized and commended.●

HONORING OF PHYLLIS E. THOMPSON

● Mr. REID. Mr. President, I rise today to honor a remarkable Nevadan, Phyllis Thompson. Phyllis has been a resident of Henderson, Nevada since 1951. On November 1, 2000, she will be receiving the Philanthropy Day Award from St. Rose Dominican Hospital. The Philanthropy Day Award honors individuals who embody volunteerism and have made significant civic and charitable contributions. There is no one more deserving of this honor than Phyllis Thompson.

Phyllis Thompson is a talented and tenacious businesswoman. She entered the construction business in the early 1970s, an all-male field at the time. She and her husband Charles started Basic Ready Mix with one truck, and she had to work nights as a waitress to make ends meet. Eventually, she was able to expand the business to 175 trucks. She sold the company in 1991, but she could not stay retired for long. In 1996, she founded Phyllis E. Thompson Companies, a commercial real estate firm, which she has built into an unequivocal success.

Not only has Phyllis Thompson accomplished a great deal in the business world, but she has also enjoyed success as a sportsman. She has been hunting trophy deer for twenty years and is a professional off-road racer. In 1997, she won the Nevada Prim 250, a 250 mile off-road race.

Throughout her extraordinary life, Phyllis Thompson's true devotion has been to family. She is the proud mother of two children, Lonny and Terri, and has been blessed with six grandchildren. In addition, her charitable work has been focused on helping families. St. Rose Dominican Hospital, the Salvation Army, Boys & Girls Clubs of Henderson, Cystic Fibrosis Foundation, Safe House, and Child Seekers are among the many organizations to which she has given so much. In fact, she was recognized in 1999 as Board Member of the Year by the Boys & Girls Clubs of Henderson.

Philanthropy Day, established in 1986, is observed every November to recognize the importance of philanthropy in our communities. It is a time to acknowledge the entire spectrum of services provided by the non-profit community, and recognize the profound effect that volunteerism and giving have on the fabric of society.

Phyllis Thompson embodies the spirit of Philanthropy Day. She has shared her success and good fortune through volunteerism and philanthropy. She sets a wonderful example for all of our citizens, selflessly giving of her time, talent and financial means to help others make the most of their lives. I thank her for their friendship and all that she has done for the citizens of Nevada.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 136

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 26, 2000.*

PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA

I hereby report to the Congress on the developments since my last concerning the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995 (the ''Order''). This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (''IEEPA''), 50 U.S.C. 1703(c). Sanctions imposed against significant narcotics traffickers centered in Colombia pursuant to Executive Order 12978 are separate from, and independent of, sanctions imposed pursuant to the Foreign Narcotics Kingpin Sanctions Act (Pub. L. 106–120, Title VIII). This report covers sanctions imposed and persons named as specially designated narcotics traffickers pursuant to Executive Order 12978, but does not cover those persons identified pursuant to the Foreign Narcotics Kingpin Designation Act, who are addressed in a separate report as provided in that Act.

1. On October 21, 1995, I signed Executive Order 12978, ''Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers'' (the ''Order'') (60 Fed. Reg. 54579, October 24, 1995). The Order blocks all property and interests in property that are or hereafter come within the United States, or that are or hereafter come within the possession or control of U.S. persons, in which there is any interest of four individuals named as significant foreign narcotics traffickers. These traffickers, two of whom are now decreased, were listed in the Annex to the Order and identified as principals in the so-called Cali drug cartel centered in Colombia. The Order also blocks the property and interests in property of foreign persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, (a) to play a significant role in international narcotics trafficking centered in Colombia, or (b) materially to assist in or provide financial or technological support for, or goods or service in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order. In addition, the Order blocks all property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the Order (collectively ''Specially Designated Narcotics Traffickers'' or ''SDNTs'').

The Order further prohibits any transaction or dealing by a U.S. person or within the United States in property or interests in property of SDNTs, and any transaction that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, the prohibitions contained in the Order.

Designations of foreign persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Department of the Treasury's Office of Foreign Assets Control (''OFAC'') acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

2. On October 24, 1995, the Department of the Treasury issued a Notice containing 76 additional names of persons determined to meet the criteria set forth in the Order. Additional Notices expanding and updating the list of SDNTs were published on November 29, 1995 (60 Fed. Reg. 61288), March 8, 1996 (61 Fed. Reg. 9523), and January 21, 1997 (62 Fed. Reg. 2903).

Effective February 28, 1997, OFAC issued the Narcotics Trafficking Sanctions Regulations (''NTSR'' or the ''Regulations''), 31 C.F.R. Part 536, to further implement the President's declaration of a national emergency and imposition of sanctions against significant foreign narcotics traffickers centered in Colombia (62 Fed. Reg. 9959, March 5, 1997).

On April 17, 1997 (62 Fed. Reg. 19500, April 22, 1997), July 30, 1997 (62 Fed. Reg. 41850, August 4, 1997), September 9, 1997 (62 Fed. Reg. 48177, September 15, 1997), and June 1, 1998 (63 Fed. Reg. 29608, June 1, 1998), OFAC amended the appendices to 31 C.F.R. chapter V, revising information concerning individuals and entities who have been determined to play a significant role in international narcotics trafficking centered in Colombia or have been determined to be owned or controlled by, or to act for or on behalf of, or to be acting as fronts for the Cali cartel in Colombia.

On May 27, 1998 (63 Fed. Reg. 28896, May 27, 1998), OFAC amended the appendices to 31 C.F.R. chapter V by expanding the list for the first time beyond the Cali cartel by adding the name of one of the leaders of Colombia's North Coast cartel Julio Cesar Nasser David, who has been determined to play a significant role in international narcotics trafficking centered in Colombia, and 14 associated businesses and four individuals acting as fronts for the North Coast cartel. Also added were six companies and one individual that have been determined to be owned or controlled by, or to act for or on behalf of, or to be acting as fronts for the Cali cartel in Colombia. These changes to the previous SDNT list brought it to a total of 451 businesses and individuals.

On June 25, 1999, OFAC amended the appendices to 31 C.F.R. chapter V by adding the names of eight individuals and 41 business entities acting as fronts for the Cali or North Coast cartels and supplementary information concerning 44 individuals already on the list (64 Fed. Reg. 34984, June 30, 1999). The entries for four individuals previously listed as SDNTs were removed from appendix A because OFAC had determined that these individuals no longer meet the criteria for designation as SDNTs. These actions were part of the ongoing interagency implementation of the Order. The addition of these 41 business entities and eight individuals to appendix A (and the removal of four individuals) brought the total number of SDNTs to 496 (comprised of five principals, 195 entities, and 296 individuals) with whom financial and business dealings are prohibited and whose assets are blocked under the Order.

3. On March 29, 2000 (65 Fed. Reg. 17590, April 4, 2000), OFAC amended the appendices to 31 C.F.R. chapter V by expanding the SDNT list beyond the Cali cartel for the second time by adding the names of two of the leaders of Colombia's North Valle drug cartel, Ivan and Julio Fabio Urdinola Grajales, who have been determined to play a significant role in international narcotics trafficking centered in Colombia, and six associated businesses and two individuals acting as fronts for the North Valle cartel. Also added were 14 companies and 7 individuals that have been determined to be owned or controlled by, or to act for or on behalf of, the Cali cartel in Colombia. The entry for one individual previously listed as an SDNT was removed from appendix A because OFAC had determined that the individual no longer met the criteria for designation as an SDNT. These changes to the previous SDNT list brought it to a total of 526 businesses and individuals.

On June 1, 2000, OFAC announced the removal of two individuals previously listed as SDNTs because OFAC had determined that the two individuals no longer met the criteria for designation as SDNTs. These changes to the previous list brought it to a total of 524 businesses and individuals.

On August 18, 2000, OFAC expanded the SDNT list beyond the Cali cartel for the third time by adding the names of Arcangel de Jesus Henao Montoya, a leader of one of the most powerful drug trafficking groups that comprise Colombia's North Valle drug cartel, and Juan Carlos Ramirez Abadia, who have been determined to play a significant role in international narcotics trafficking centered in Colombia, and five associated businesses and one individual acting as fronts for the North Valle cartel. These changes to the previous SDNT list brought it to a total of 532 (comprised of nine principals, 220 entities, and 303 individuals) with whom financial and business dealings are prohibited and whose assets are blocked under the Order. The list of SDNTs now includes kingpins, associates, and businesses from Colombia's Cali, North Valle, and North Coast drug cartels. The SDNT list will continue to be expanded to include additional drug trafficking organizations centered in Colombia and their fronts.

4. OFAC has disseminated and routinely updated details of this program to the financial, securities, and international trade communities by both electronic and conventional media. In addition to bulletins to banking institutions via the Federal Reserve System and the Clearing House Interbank Payments System (CHIPS), individual notices were provided to all relevant state and federal regulatory agencies, automated

clearing houses, and state and independent banking associations across the country. OFAC contacted all major securities industry associations and regulators. It posted electronic notices on the Internet and numerous computer bulletin boards, fax-on-demand services, and provided the same material to the U.S. Embassy in Bogota for distribution to U.S. companies operating in Colombia.

5. During the reporting period, as of September 6, 2000, seven financial transactions totaling more than $203,000 were reported to OFAC as having been blocked. These funds will remain in that status pending investigation by OFAC. As of September 6, 2000, OFAC had issued 18 specific licenses pursuant to the Order since the inception of the program. These licenses were issued in accordance with established Treasury policy authorizing the completion of pre-sanctions transactions, the receipt of payment of legal fees for representation of SDNTs in proceedings within the United states arising from the imposition of sanctions, and certain administrative transactions. In addition, a license was issued to authorize a U.S. company in Colombia to make certain payments to two SDNT-owned entities in Colombia (currently under the control of the Colombian government) for services provided to the U.S. company in connection with the U.S. company's occupation of office space and business activities in Colombia.

6. The narcotics trafficking sanctions have had a significant impact on the Colombian drug cartels. SDNTs have been forced out of business or are suffering financially. Of the 220 business entities designated as SDNTs as of September 6, 2000, nearly 60, with an estimated aggregate income of more than $230 million, had been liquidated or were in the process of liquidation. Some SDNT companies have attempted to continue to operate through changes in their company names and/or corporate structures. OFAC has placed a total of 27 of these successor companies on the SDNT list under their new company names.

As a result of OFAC designations, Colombian banks have closed nearly 500 SDNT accounts, affecting more than 200 SDNTs. One of the largest SDNT commercial entities, a discount drugstore with an annual income exceeding $136 million, has been reduced to operating on a cash basis. Another large SDNT commercial entity, a supermarket with an annual income exceeding $32 million, entered liquidation in November 1998 despite changing its name to evade the sanctions. An SDNT professional soccer team was forced to reject an invitation to play in the United States, two of its directors resigned, and the team now suffers restrictions affecting its business negotiations, loans, and banking operations. An SDNT radio station has had difficulty in getting advertisers since its inclusion on the SDNT list. These specific results augment the less quantifiable but significant impact of denying the designated individuals and entities of the Colombian drug cartels access to U.S. financial and commercial facilities.

Various enforcement actions carried over from prior reporting periods are continuing and new reports of violations are being aggressively pursued. Since the last report, OFAC has collected no civil monetary penalties but is continuing to process three cases for violations of the Regulations.

7. The expenses incurred by the Federal Government in the six-month period from April 21, through October 20, 2000, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to Significant Narcotics Traffickers are estimated at approximately $570,000. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, and the Office of the General Counsel), the Department of Justice, and the Department of State. This data does not reflect certain costs of operations by the intelligence and law enforcement communities.

8. Executive Order 12978 provides this Administration with a tool for combating the actions of significant foreign narcotics traffickers centered in Colombia and the unparalleled violence, corruption, and harm that they cause in the United States and abroad. The Order is designed to deny these traffickers the benefit of any assets subject to the jurisdiction of the United States and the benefit of trade with the United States by preventing U.S. persons from engaging in any commercial dealings with them, their front companies, and their agents. Executive Order 12978 and its associated SDNT list demonstrate the United States' commitment to end the damage that such traffickers wreak upon society in the United States and abroad. The SDNT list will continue to be expanded to include additional Colombian drug trafficking organizations and their fronts.

The magnitude and the dimension of the problem in Colombia—perhaps the most pivotal country of all in terms of the world's cocaine trade—are extremely grave. I shall continue to exercise the powers at my disposal to apply economic sanctions against significant foreign narcotics traffickers and their violent and corrupting activities as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:32 a.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. 2812. An act 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.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

H.R. 468. An act to establish the Saint Helens Island National Scenic Area.

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

H.R. 2442. An act to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

H.R. 3646. An act for the relief of certain Persian Gulf evacuees.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

H.R. 3679. An act to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee.

H.R. 4315. An act to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the ''Larry Small Post Office Building.''

H.R. 4450. An act to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the ''Judge Harry Augustus Cole Post Office Building.''

H.R. 4451. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the ''Frederick L. Dewberry, Jr. Post Office Building.''

H.R. 4625. An act 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. 4786. An act to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the ''Samuel P. Roberts Post Office Building.''

H.R. 4811. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4831. An act to redesignate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the ''Roberto Clemente Post Office.''

H.R. 4853. An act to redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the ''Arnold C. D'Amico Station.''

H.R. 5229. An act to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the ''Ruth Harris Coleman Post Office.''

H.R. 5273. An act to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 12:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its clerks, announced that the House has agreed to the amendments of the Senate numbered 1 and 3 to the bill (H.R. 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes; that it has disagreed to the amendments of the Senate numbered 2 and 4 to the aforesaid bill; and that it has agreed to the amendment of the Senate numbered 5 to the aforesaid bill with an amendment.

The message further announced that the House has passed the following bill, with amendments:

S. 2915. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 2413. An act 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.

S. 2773. An act to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting and for other purposes.

At 5:39 p.m., a message from the House of Representatives, delivered by Mr. Hayes, 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. 2614) to amend the Small Business Investment Act to make improvement to the certified development company program, and for other purposes.

At 6:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, and requests the concurrence of the Senate:

H.J. Res. 116. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

At 7:56 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 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. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 20, 2001, and for other purposes.

ENROLLED BILL SIGNED

At 8:35 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 116. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 26, 2000, he had presented to the President of the United States the following enrolled bills:

S. 2812. An act 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.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

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–11291. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions Imposed on Archaeological Material From the Prehispanic Cultures of the Republic of Nicaragua'' (RIN 1515–AC70) received on October 24, 2000; to the Committee on Finance.

EC–11292. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the ''Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 1999''; to the Committee on Foreign Relations.

EC–11293. A communication from the Acting Secretary of State, transmitting, pursuant to law, the revised strategic plan; to the Committee on Foreign Relations.

EC–11294. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''(N– (–fluorophenyl) –N– (1–mthylethyl)–2 – [[5—(trifluoromethyl) –1,3,4–thiadiazol –2–yl]oxy] acetamide; Extension of Tolerance for Emergency Exemptions'' (FRL# 6751–1) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11295. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin, Extension of Tolerance for Emergency Exemptions'' (FRL# 6750–5) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11296. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations'' (Docket# 99–038–5) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11297. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Regulations for Cotton Warehouses Regarding the Delivery of Stored Cotton'' (RIN 0560–AF13) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11298. A communication from the Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Regulations Governing the Peanut Poundage Quota and Price Support Programs'' (RIN 0560–AF61) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11299. A communication from the Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2000 Marketing Quotas and Price Support Levels for Fire–Cured (Type 21), Fire–Cured (Types 22–23), Dark Air–Cured (Types 35–36), Virginia Sun–Cured (Type 37), and Cigar–Filler and Binder (Types 42–44 and 53–55) tobaccos'' (RIN 0560–AF86) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11300. A communication from the Under Secretary of Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Domestic Lamb Industry Adjustment Assistance Program Set Aside'' (RIN 0570–AA31) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11301. A communication from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Soybean Promotion and Research: Amend the Order to Adjust Representation on the United Soybean Board'' (Docket Number: LS–00–04) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11302. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Enhanced Motor Vehicle Inspection and Maintenance Program'' (FRL# 6891–6) received on October 24, 2000; to the Committee on Environment and Public Works.

EC–11303. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; New Source Review Revision'' (FRL# 6891–9) received on October 24, 2000; to the Committee on Environment and Public Works.

EC–11304. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Antelope Valley Air Pollution Control District'' (FRL# 6893–1) received on October 24, 2000; to the Committee on Environment and Public Works.

EC–11305. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Event Reporting Requirements for Nuclear Power Reactors and Independent Spent Fuel Storage Installations at Power Reactor Sites'' (RIN 3150–AF98) received on October 24, 2000; to the Committee on Environment and Public Works.

EC–11306. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''New Dosimeter Technology: amend and revise 10 CFR Parts 34, 36, and 39'' (RIN 3150–AG21) received on October 25, 2000; to the Committee on Environment and Public Works.

EC–11307. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the report for fiscal year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11308. A communication from the Director of the Corporate Policy and Research Department, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single–Employer Plans; Allocation of Assets in Single–Employer Plans; Interest Assumption for Valuing and Paying Benefits'' received on October 25, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11309. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Duplication and electronic generation of forms'' (RIN 1115–AF66) received on October 24, 2000; to the Committee on the Judiciary.

EC–11310. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the pay-as-you-go report number 514, dated October 20, 2000; to the Committee on the Budget.

EC–11311. A communication from the Chair of the Farm Credit System Insurance Corporation, transiting, pursuant to law, a report relative to the requirements of the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–11312. A communication from the Senior Benefits Programs Planning Analyst, Western Farm Credit Bank, transmitting, pursuant to law, the 1999 annual report number 95–595; to the Committee on Governmental Affairs.

EC–11313. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Systems, Ravenwood, Missouri'' (MM Docket No. 00–109) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11314. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Upton and Pine Haven, Wyoming)'' (MM Docket No. 99–57) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11315. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations, (Grants and Milan, New Mexico)'' (MM Docket No. 99–75, RM–9446) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11316. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations, Pearsall, Texas'' (MM Docket No. 00–26) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11317. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Urbana, Illinois'' (MM Docket No. 00–76, RM–9809) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11318. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Thomasville, Georgia'' (MM Docket No. 00–98, RM–9811) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11319. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Killeen, Texas'' (MM Docket No. 00–103, RM–9878) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11320. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Jenner, California, Culver, Indiana, Lake Isabella, California, Olpe, Kansas, Covelo, California, Sterling, Colorado, Kahului, Hawaii)'' (MM Docket No. 00–33; RM–9816; MM Docket No. 00–34; RM–9817; MM Docket No. 00–35; RM–9818; MM Docket No. 00–71; RM–9852; MM Docket No. 00–72; RM–9853; MM Docket No. 00–74; RM–9862; MM Docket No. 00–75; RM–9863) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11321. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Cloverdale, Point Arena, and Cazadero, California)'' (MM Docket Nos. 99–180, 00–59, RM–9583, RM–9734 and RM–9759) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11322. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations, Charlotte, Texas'' (MM Docket No. 00–22) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11323. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations, George West, Pearsall and Victoria, TX'' (MM Docket No. 99–342) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11324. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Eastman, Vienna, Ellaville, and Byromville, Georgia)'' (MM Docket No. 00–56, RM–9839, RM–9905, RM–9906) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 876: A bill to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience (Rept. No. 106–509).

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. HARKIN:

S. 3243. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 3244. A bill to amend title 49, United States Code, relating to the airport noise and access review program; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 3245. A bill to provide for the transfer of the Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. WELLSTONE, Mr. HOLLINGS, Mr. FEINGOLD, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3246. A bill to prohibit the importation of any textile or apparel article that is produced, manufactured, or grown in Burma; to the Committee on Finance.

By Mr. HARKIN:

S. 3247. A bill to establish a Chief Labor Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 3248. A bill to authorize the Hoosier Automobile and Truck National Heritage Trail Area; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mrs. MURRAY, Mr. FEINGOLD, Mr. BINGAMAN, Mrs. BOXER, Ms. MIKULSKI, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. AKAKA, Mr. LIEBERMAN, Mr. LEAHY, Mr. BAUCUS, and Mr. ROCKEFELLER):

S. 3249. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mrs. FEINSTEIN, Mr. LUGAR, Mr. SCHUMER, Mr. GORTON, Mr. JOHNSON, Mr. HELMS, Mr. ALLARD, Mr. ASHCROFT, Mr. WYDEN, Mr. TORRICELLI, Mr. DEWINE, Mr. GRAMS, Mr. ROTH, Mrs. HUTCHISON, Mr. SMITH of Oregon, Mr. BOND, Mr. DURBIN, Mr. CLELAND, Mr. GRASSLEY, Ms. COLLINS, Mr. KYL, Mr. BREAUX, Mr. LAUTENBERG, Mr. HATCH, Mr. MURKOWSKI, Mrs. LINCOLN, Ms. LANDRIEU, Mr. SPECTER, Mr. VOINOVICH, Mr. MILLER, Mr. ROBB, Mr. INHOFE, Mr. CRAPO, Mr. BUNNING, Mr. EDWARDS, Ms. MIKULSKI, Mr. LOTT, Mr. DASCHLE, Mr. REID, Mr. SANTORUM, Mr. FITZGERALD, Ms. SNOWE, Mrs. BOXER, Mr. REED, Mr. LEVIN, Mr. MCCONNELL, Mr. HAGEL, Mr. GRAMM, Mr. MOYNIHAN, Mr. KENNEDY, Mr. L. CHAFEE, Mr. CAMPBELL, and Mr. ROCKEFELLER):

S. 3250. A bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state; to the Committee on Foreign Relations.

By Mr. BIDEN:

S. 3251. A bill to authorize the Secretary of State to provide for the establishment of nonprofit entities for the Department's international educational, cultural, and arts programs; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Con. Res. 156. A concurrent resolution to make a correction in the enrollment of the bill S. 1474; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. HARKIN:

S. 3243. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL PRODUCER PROTECTION ACT OF 2000

Mr. HARKIN. Mr. President, I am introducing the Agricultural Producer Protection Act of 2000, a bill which will help ensure an open competitive agricultural marketplace. There is no issue raising more concerns in agriculture today than the rapid increase of economic concentration and vertical integration. The structure of agriculture and the entire agribusiness and food sector is being massively transformed—and the pace is accelerating. Large agribusinesses through mergers, acquisitions, and strategic alliances are controlling more and more of the production and processing of our agricultural commodities. Beyond this horizontal concentration, these large firms are relying on production and marketing contracts to hasten the trend toward vertical integration in agriculture.

According to the Department of Agriculture, the top four fed cattle packers control 80 percent of the market, while the top four pork processors control almost 60 percent of the market. In the grain industry, the top four firms control 73 percent of the wet corn milling, 71 percent of soybean milling, and 56 percent of flour milling. This conglomeration of power is limiting producers' marketing choices and adversely affecting the prices they receive. While the market basket of food has only increased by 3 percent since 1984, the farm value of that market basket has plummeted 38 percent. In fact, the farmer's share of the retail food dollar has dropped from 47 percent in 1950 to 21 percent in 1999. In addition, the farm-to-wholesale price spreads for pork increased by 52 percent and for beef by 24 percent in the past five years.

But farmers are not the only ones at risk because of the conglomeration of economic power by a few large agribusinesses and the reductions in competition. Consumers are also at risk. I liken arrangement to an hourglass, with many farmers on one side and many consumers on the other side. In the middle is a choke point with just a few large agribusiness firms. We, as consumers, should not become reliant on an every dwindling number of companies for our food.

Agribusiness is changing the way they play the game and it is becoming increasingly clear that enforcement of the antitrust and competition laws—including the Sherman Act, the Clayton Act, the Federal Trade Commission Act, and the Packers and Stockyards Act—is not enough by itself to ensure healthy competition in agriculture. Congress must step in and clarify the rules of the game before the big conglomerates push the independent producers out entirely. That is what my legislation is designed to do.

Consolidation and vertical integration in the agricultural sector is resulting in a great disparity in bargaining power and a gross inequality in economic strength between agribusinesses and producers. The impacts of this disparity are being most dramatically seen in the increased use of contracting in agriculture. I recognize that it is probably inevitable that there will be more contracting for a number of reasons. However, as recognized by several state Attorneys General who have proposed model state contract legislation, contracting with large agribusinesses pose serious problems that our current laws do not reach.

First, large companies are increasingly leveraging their economic muscle and control of market information to dictate contract terms to the detriment of producers. Large companies often offer contracts to producers on a ''take it or leave it'' basis. The company tells the farmer to sign a form contract with no opportunity to negotiate different terms and with little or no ability to take time to think about whether or not to sign the contract.

Second, large agribusinesses are transferring a disproportionate share of the economic risks to farmers through contracts. The contractual risks producers will face under a contract are usually buried in pages of legalese and fine print. Producers are often stuck with unfair contract terms they did not even know existed because of the lack of opportunity to consult with an attorney or an accountant.

Third, increasing use of contracts threatens market transparency. Prevailing prices for agricultural commodities have traditionally been readily available through public transactions. The use of strict confidentiality clauses in contracts veil transactions in secrecy. These clauses prohibit farmers from comparing contracts and negotiating for a fair deal. Farmers are often prohibited from discussing their deals with other producers, let alone with a financial or market advisor, an attorney, or an accountant.

Fourth, once a producer enters into a contractual relationship with a company there is virtually no realistic protection from unfair practices, abuses, or retaliation. Most production contracts require producers to make substantial long term capital investments in buildings and equipment prior to ever getting a contract. Once a producer makes the financial commitment, they are offered short term contracts that must be continually renewed. Because of these financial obligations, producers often have no other alternative than to sign whatever contract is offered to them. This situation not only makes it easier for a company to retaliate against those who try to speak up for their rights but also eliminates virtually any bargaining power the producer may have had. They often have no other alternative than to take a contract which further exploits them with unfair terms and which further shifts the economic risks to producers. In addition, if a producer has to litigate individually against an agribusiness conglomerate it is very expensive and they are at a huge disadvantage.

The Agricultural Producer Protection Act of 2000 provides reasonable oversight of agricultural contracting that will address these problems and promote fair, equitable, and competitive markets in agriculture. The Act would: (1) require contracts to be written in plain language and disclose risks to producers; (2) provide contract producers three days to review and cancel production contracts; (3) prohibit confidentiality clauses in contracts; (4) provide producers with a first-priority lien for payments due under contracts; (5) prohibit producers from having contracts terminated out of retaliation; and (6) make it an unfair practice for processors to retaliate or discriminate against producers who exercise rights under the Act.

My legislation also recognizes that there must be a balance between providing oversight of contracting and addressing the root of the problem—the growing disparity in bargaining power between large agribusinesses and independent producers. Independent farmers can compete and thrive if the competition is based on productive efficiency and delivering abundant supplies of quality products at reasonable prices. But no matter how efficient farmers are, they cannot survive a contest based on who wields the most economic power.

Because of the increased levels of concentration and vertical integration in agriculture, it is imperative that Congress facilitate a more competitive and balanced marketplace for negotiations between large agribusinesses and producers. The Agricultural Producer Protection Act of 2000 provides farmers with the tools necessary to bargain more effectively with large agribusiness conglomerates for fair and truly competitive prices for the commodities they grow.

Congress passed the Agricultural Fair Practices Act of 1967 to ensure that farmers could join together to market their commodities without fear of interference or retribution from processors. Unfortunately, the law has several weaknesses which prevent it from truly helping producers generate enough market power to bargain effectively with large processors. The law: (1) does not require that processors bargain with association members; (2) contains a loophole allowing agribusinesses to refuse to bargain with producers for any reason besides belonging to an association, which makes it much easier to manufacture an excuse for why they refuse to deal with association members; and (3) does not give the Secretary of Agriculture authority to impose penalties for violations of the Act, which greatly reduces the incentive for processors to obey the law.

My legislation addresses these shortcomings. The Agricultural Producer Protection Act of 2000 sets up a procedure where farmers can voluntarily

form an association of producers and petition to the Secretary to become accredited. Once accredited, agribusinesses are required to bargain in good faith with the association of producers. This requirement will help producers organize in order to negotiate fairly and effectively on the price and marketing terms for their commodities. In addition, my legislation gives the Secretary increased investigative and enforcement authority to ensure that these large processors follow the law.

Finally, my legislation amends the Packers and Stockyards Act of 2000 to give the Secretary administrative enforcement authority to stop unfair practices in the poultry industry. Unlike the livestock industry, the Secretary does not currently have authority to take administrative actions, including holding hearings and assessing civil and criminal penalties for violations of the Packers and Stockyards Act in the poultry industry. My legislation addresses this discrepancy and responds to the Administration's repeated requests for this authority.

Unfortunately, current law has resulted in little being done to stop the rapid consolidation and vertical integration in agriculture which is threatening both farmers and consumers. We must address this trend now before it builds more momentum, making independent farmers a footnote in the history books and putting consumers at the mercy of large agribusiness companies.

My legislation attacks the problems resulting from agribusiness concentration and vertical integration in two very fundamental ways. First, it provides reasonable oversight of contracting practices in order to stop the current inequalities and unfair practices farmers are facing due to the lack of bargaining power. But, I also recognize that we must address the increasing disparity in bargaining power head on. My legislation gives producers the tools necessary to enhance their bargaining position in order to negotiate fairly and equitably on the price and marketing terms for their commodities. I believe both must be done in order to ensure a fair, open agricultural marketplace.

Mr. HARKIN (for himself, Mr. LEAHY, Mr. WELLSTONE, Mr. HOLLINGS, Mr. FEINGOLD, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3246. A bill to prohibit the importation of any textile or apparel article that is produced, manufactured, or grown in Burma; to the Committee on Finance.

BURMA APPAREL AND TEXTILE IMPORT BAN BILL

Mr. HARKIN. Mr. President, while we are encouraged by democratic gains in Serbia, the people of Burma continue to suffer at the hands of the world's most brutal military dictatorship—a regime which, perversely, calls itself the State Peace and Development Council (SPDC). Now more than ever, as a nation committed to democracy, freedom, and universal human and worker rights, America must dissociate itself from Burma's repressive regime. We must do all we can to deny any material support to the military dictators who rule that country with an iron fist. Amidst the most recent crackdown on pro-democracy forces launched in mid-August, we must demonstrate anew to the Burmese people our recognition of their nightmarish plight and our support for their noble struggle to achieve democratic governance.

A few yeas ago, Congress enacted some sanctions and President Clinton issued an Executive Order in response to a prolonged pattern of egregious human rights violations in Burma. At the heart of those measures is the existing prohibition on U.S. private companies making new investments in Burma's infrastructure. Pre-1997 investments were not affected.

Nevertheless, the ruling military junta in Burma has hung on to power and continues to blatantly violate internationally-recognized human and worker rights. The most recent State Department Human Rights Country Report on Burma cites ''credible reports that Burmese Army soldiers have committed rape, forced porterage, and extrajudicial killing.'' It mentions arbitrary arrests and the detention of at least 1300 political prisoners.

Human Rights Watch/Asia reports that children from ethnic minorities are forced to work under inhumane conditions for the Burmese Army, deprived of adequate medical care and sometimes dying from beatings.

The UN Special Rapporteur on Burma, just released a chilling and alarming account which puts the number of child soldiers at 50,000—the highest in the world. Sadly, the children most vulnerable to recruitment into the military are orphans, street children, and the children of ethnic minorities.

The same UN report also discussed how minorities in Burma continue to be the targets of violence. It deals vicious human rights violations aimed at minorities including extortion, rape, torture and other forms of physical abuse, forced labor, ''portering'', arbitrary arrests, long-term imprisonment, forcible relocation, and in some cases, extrajudicial executions. It also cites reports of massacres in the Shan state in the months of January, February and May of this year.

A 1998 International Labor Organization Commission of Inquiry has determined that forced labor in Burma is practiced in a ''widespread and systematic manner, with total disregard for the human dignity, safety, health and basic needs of the people.''

In one recent high-profile court case, California District Court Judge Ronald Lew found ''ample evidence in the record linking the Burmese Government's use of forced labor to human rights abuses.''

In sum, gross violations of human rights and systematic labor repression inside Burma go on and on, outside the purview of CNN and the rest of the international media.

But despite the onslaught of the Burmese military regime and their vow to destroy the National League for Democracy (NLD) by the end of this year. Aung San Suu Kyi, a remarkably courageous leader, stands steadfast—like a living Statue of Liberty—in her work with the Burmese people for democracy. We must never forget that she and her NLD colleagues won 392 of 485 seats in a democratic election held in 1990. But they have never been allowed to take office.

Still, Aung San Suu Kyi—the 1991 Nobel Peace Prize winner—and countless others are denied freedom of association, speech and movement on a daily basis. During the past two and a half months, she has come under renewed threats and intimidation. Last August, her vehicle was forced off the road by Burmese security forces when she tried to travel outside Rangoon to meet with her NLD colleagues. She sat in her car on the roadside for a week until a midnight raid of 200 riot police forced her back to her home and placed her under house arrest until September 14, 2000. Nevertheless, she tried again on September 21st, but she was prevented from boarding a train. The latest pathetic excuse from the authorities for abridging her freedom to travel within Burma on that occasion, was that all tickets had been sold out.

Mr. President, we must answer anew the cry of the Burmese people and their courageous leaders. That is why I wrote to President Clinton on September 12th and I ask that my letter be included in the RECORD at this time. In that letter, I spelled out in detail all of the reasons why a ban on apparel and textile imports from Burma makes good sense. As yet, I don't have a formal reply from the White House.

Accordingly, I am introducing legislation today with Senators LEAHY, WELLSTONE, HOLLINGS, FEINGOLD, LAUTENBERG, and SCHUMER to ban soaring imports of apparel and textiles from Burma. I am pleased that U.S. Congressman TOM LANTOS from California is introducing the companion bill in the U.S. House of Representatives at the same time.

Most Americans think that a trade ban with Burma already exists. This is simply not true.

In fact, imports of apparel and textiles from Burma are increasing, sending hundreds of millions of US dollars straight into the coffers of the Burmese military dictatorship. These ruthless military dictators and their drug-trafficking cohorts are spending this hard currency to purchase more guns and to buy loyalty among their troops to continue their policy of repression and cruelty.

According to the National Labor Committee, U.S. apparel imports from Burma between 1995 and 1999 increased

by 272%. The World Trade Atlas shows that in just one year (1998–1999), apparel imports more than doubled, dramatically rising from $61 million to $131 million. In particular, knit and woven apparel accounted for over 80% of US imports from Burma during 1999.

In other words, every time American consumers buy travel and sports bags, women's underwear, jumpers, shorts, tank tops and towels made in the Burmese gulag, they are unwittingly helping to sustain and tighten the repressive military junta's grip on power.

US apparel imports from Burma provide the SPDC with critically-needed hard currency because the military dictators directly own or have taken de facto control of production in many apparel and textile factories. They profit even more from a 5% export tax. As I said earlier, this hard currency is used to buy new weapons and ammunition from China and elsewhere, thus underwriting the perpetuation of modern-day slavery, forced labor and forced child labor in Burma.

But you don't have to take my word for it. At a recent news conference in Washington, DC, U Maung Maung, the General Secretary of the Federation of Trade Unions in Burma stated that ''the practice of purchasing garments made in Burma extends the continued exploitation of my people, including the use of slave labor by the regime, by further delaying the return of democratic government in Burma.'' At grave personal risk, he and other NLD leaders have disclosed that apparel and textile exports to America and other foreign markets are increasingly important in helping sustain the Burmese military junta in power.

Some may ask whether a ban on Burmese apparel and textile imports might harm American companies and consumers. Nothing could be further from the truth. Currently, U.S. apparel and textile imports from Burma account for less than one-half of one percent of total US apparel and textile imports.

Other may assert that enactment of this legislation would violate WTO rules. But if and when the Government of Burma should file a WTO complaint, I don't think we should shy away from such a case. It would present the opportunity to argue the view that WTO member nations should have the right, at a minimum, to enact laws to block imports of products made by forced labor or in flagrant violation of other internationally-recognized worker rights. In effect, if national governments cannot take a stand against trafficking in products made with forced labor in international trade, then under what human rights conditions or by what standards of civility will it ever be possible in the WTO system?

Mr. President, America must take a stronger stand in solidarity with the Burmese people and in defense of universal human rights and worker rights in that besieged nation. Banning apparel and textile imports from Burma reflects the belief of the American people that increased trade with foreign countries must promote respect for human rights and worker rights as well as property rights.

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:

U.S. SENATE,
Washington, DC, September 12, 2000.

Hon. WILLIAM J. CLINTON,
President, Office of the White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to express concern that developments in trade between the U.S. and Burma may be strengthening the Burmese military junta. To support the duly-elected democratic government of Burma and promote internationally recognized human and worker rights, and to remedy this inconsistency in U.S. policy toward Burma, a ban on U.S.-Burmese trade in apparel seems warranted.

Since the U.S. instituted a ban on new investment in Burma at your initiative in May, 1997, little has changed. The authoritarian regime continues to actively violate human rights and tacitly condone narcotrafficking. A 1998 International Labor Organization (ILO) Commission of Inquiry detailed the military's ''widespread and systematic'' use of forced labor (Attachment 1). The most recent State Department Human Rights Country Report on Burma also addresses forced labor practices and other human rights violations; according to the Report, in March 2000, about 1300 political prisoners remained in detention (Attachment 2). Democratically-elected Aung San Suu Kyi and eight other leaders of the National League for Democracy have been confined to their homes since this Saturday, September 2, in yet another standoff with the State Peace and Development Council (SPDC). Furthermore, Burma continues to be the world's second leading producer of opium (Attachment 2).

I am concerned that allowing rapidly increasing apparel imports from Burma by U.S. importers implicitly supports the SPDC and may undermine the effects of divestment. Between 1995 and 1999, Burmese apparel imports by the U.S. skyrocketed by 272% and the trend continues (Attachment 8). Compared with last year's data, apparel imports rose 121% in the first five months of 2000 alone (Attachment 9). As U.S. apparel companies attracted by low production costs increase their apparel orders, critically-needed hard currency earnings in the form of U.S. dollars flow in ever-greater amounts into the coffers of the Burmese military. This revenue is spent on arms from China and elsewhere, further oppressing the Burmese people. We cannot ignore the impact that our dollars are having on the human rights and core labor standards of the people of Burma. Furthermore, a ban on apparel imports would not significantly hurt U.S. businesses or consumers, since Burma accounts for only 0.46% of U.S. apparel imports (Attachment 10).

As Burma's economy continues to deteriorate, the apparel industry serves as a valuable lifeline for the SPDC. Both labor and human rights organizations, and prominent leaders of the democratic Burmese government in exile, have emphasized the connection between apparel and Burma's military (Attachment 3 and 4). U Bo Hla Tint, Minister for North and South American Affairs of the National Coalition Government for the Union of Burma, stated in a recent press conference that ''it is the Burmese military that directly owns most of the garment and textile manufacturing facilities in Burma'' (Attachment 5). Furthermore, U Muang Muang, the General Secretary of the Federation of Trade Unions of Burma and the President of the Burma Institute for Democracy and Development, argued in a recent speech that ''the military regime and Burma's drug lords control most commercial activities in Burma and this is especially true of the garment and textile industry. By purchasing garments made in Burma, American companies are directly enriching and strengthening those most brutal and un-democratic elements in Burma that continue to oppress the people'' (Attachment 6). Not only does the SPDC benefit from direct ownership of apparel factories, but also from an export tax of 5% on all apparel leaving Burma (Attachment 7). We should act to curb this significant source of hard currency earnings to the SPDC.

A ban on apparel imports from Burma would further demonstrate U.S. opposition to the Burmese military junta and reinforce our commitment to universal human rights and internationally recognized worker rights. In addition, cutting back revenue for the SPDC may help lead to a more rapid demise of that brutal military regime and allow Aung San Suu Kyi and her National League for Democracy to assume their positions of power in a duly-elected democratic government.

I look forward to your reply. Thank you for your attention and thoughtful consideration of my concerns and proposal for a complete ban on apparel imports from Burma.

With best regards.

TOM HARKIN,
U.S. Senator.

Mr. HARKIN:

S. 3247. A bill to establish a Chief Labor Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

LEGISLATION TO ESTABLISH A CHIEF LABOR NEGOTIATOR

Mr. HARKIN. Mr. President, I am also introducing legislation today that would ensure working men and women the representation they deserve in future trade negotiations.

The Trade and Labor Negotiation Fairness Act would create a new, Presidentially-appointed and Senate-confirmed position of Chief Labor Negotiator at the United States Trade Representative's USTR office. The Chief Labor Negotiator would represent the interests of workers during trade negotiations.

Nearly three years ago, farmers and others in the U.S. agriculture sector felt they needed stronger representation and greater attention by USTR. So I called for the creation of a new position at USTR having ambassadorial rank and devoted solely to representing the U.S. in agricultural trade matters. I met with Ambassador Barshefsky and pursued my proposal in the Administration. Peter Scher was appointed early in 1997 to the new USTR position and was succeeded by Greg Frazier. Both of them have done a good job representing U.S. farmers and our agriculture sector.

Earlier this year, in the Trade and Development Act of 2000, Congress specified in statute that USTR shall

have a Chief Agricultural Negotiator. That position will exist regardless of who is in the White House or USTR. This position would have equal status to that of the Chief Agricultural Negotiator at USTR.

Why do we need a Chief Labor Negotiator at USTR? Because the crucial role that worker rights play in the global economy has been ignored for too long. Enforceable labor standards have been left out of the trade agreements the U.S. has negotiated.

U.S. working men and women are placed at a disadvantage by this unfair competition. If this trend continues, U.S.-based companies will face continuing pressure to lower their standards to compete in the global economy.

The result will be depressed wages, fewer benefits, unsafe working conditions for American workers, and little or no improvement in other countries.

We need to use trade negotiations to raise standards around the world—not drag down standards here at home. We must ensure that labor rights are a key consideration in future trade negotiations and an integral part of future trade agreements. The Chief Labor Negotiator's primary job would be to make this happen by ensuring that the interests of workers are represented in future trade negotiations.

I've heard the argument that other countries don't want to talk about labor rights in trade discussions. USTR needs to take the lead and insist labor standards are an essential part of future trade negotiations. Our own economy and the well being of our families depend on it. And if trade is truly going to improve living standards around the world, it is essential that labor standards are included in future trade agreements.

USTR needs someone who represents workers' interests—not on the sidelines, but in the room during discussion of future trade agreements. Because the Chief Labor Negotiator at USTR will have ambassadorial rank, that person will be able to meet with the highest-level trade officials of other countries—and to insist that labor standards are on the table and are included in future agreements.

Vice President GORE recognizes that. He has repeatedly said that as President, he would work to ensure workers' rights are included in future trade agreements. Establishing a Chief Labor Negotiator position at USTR would help him and future Presidents keep that commitment.

I urge my colleagues to review this bill over the coming weeks because I will be re-introducing it next year with the hope of getting it passed in the Senate and signed into law.

Mr. HARKIN (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mrs. MURRAY, Mr. FEINGOLD, Mr. BINGAMAN, Mrs. BOXER, Ms. MIKULSKI, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. AKAKA, Mr. LIEBERMAN, Mr. LEAHY, Mr. BAUCUS, and Mr. ROCKEFELLER): S. 3249. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

WORKPLACE FAIRNESS ACT—STRIKER REPLACEMENT

Mr. HARKIN. Mr. President, I along with 15 of my colleagues are introducing a bill today that addresses an issue we haven't talked enough about in the Senate in recent years—but it's a critically important issue that we cannot continue to ignore.

I am talking about workers rights—specifically the erosion of a worker's fundamental right to strike, to protect that right.

Today, we are introducing the Workplace Fairness Act. This may sound familiar to many of my colleagues here in the Senate. It was a bill my good friend and former colleague Senator Howard Metzenbaum from Ohio introduced in the 102d and 103d Congress.

The Workplace Fairness Act would amend the National Labor Relations Act and the Railway Labor Act by prohibiting employers from hiring permanent replacement workers during a strike. It would also make it an unfair labor practice for an employer to refuse to allow a striking worker who has made an unconditional offer to return to go back to work.

Why do we need this legislation?

Because right now, a right to strike is a right to be permanently replaced—to lose your job. Every cut-rate, cut-throat employer knows they can break a union if they are willing to play hardball and ruin the lives of the people who have made their company what it is. In my own state of Iowa—Titan Tire Company out of Des Moines, is trying to drive out the union workers with permanent replacements—the union has been on strike for two and a half years now.

Over the past two decades, workers' right to strike has too often been undermined by the destructive practice of hiring permanent replacement workers. Since the 1980s, permanent replacements have been used again and again to break unions and to shift the balance between workers and management.

Titan Tire just outside is just one of many examples.

On May 1, 1998, the 650 members of the United Steelworkers of America, Local 164, who work in Des Moines Titan Tire plant, were forced into an Unfair Labor Practice Strike.

During the contract negotiations preceding this strike, Titan International Inc. President and CEO, Morry Taylor, attempted to eliminate pension and medical benefits and illegally move jobs and equipment out of the plant. He also forced employees to work excessive mandatory overtime, sometimes working people as many as 26 days in a row without a day off.

Well, the membership decided that Titan's final offer was impossible to accept, and they voted to strike. Two months later, in July, 1998, Titan began hiring permanent replacement workers.

During the past two and a half years, approximately 500 permanent replacement workers have been hired at the Des Moines plant. And little or no progress has been made toward reaching a fair settlement. In fact, on April 30, 2000, the day before the second anniversary of the Titan strike, Morrie Taylor predicted that the strike would never be settled.

Workers deserve better than this. Workers aren't disposable assets that can be thrown away when labor disputes arise.

When we considered this legislation in 1994, the Senator Labor and Human Resources Committee heard poignant testimony about the emotional and financial hardships caused by hiring permanent replacement workers. We heard about workers losing their homes; going without health insurance because of the high costs of COBRA coverage; feeling useless when they were permanently replaced after years of loyal service.

The right to strike—which we all know is a last resort since no worker takes the financial risk of a strike lightly—is fundamental to preserving workers' right to bargain for better wages and better working conditions. Without the right to strike, workers forego their fair share of bargaining power.

Permanent striker replacement not only affects the workers who were replaced. It affects other workers in competing companies. When one employer in an industry breaks a union, hires permanent replacements, and cuts salaries and benefits, it affects all the other companies in the industry. Now they either have to find a way to compete with the low-wages and shoddy benefits of a cut-rate, cut-throat business—or they have to follow suit.

Also, workers faced with being replaced are forced to make a choice. They can either stay with the union and fight for their jobs, or they can cross the picket line to avoid losing the job they've held for ten or twenty or thirty years.

Is this a free choice, as some of our colleagues would suggest? Or is this blackmail that takes away the rights and the dignity of the workers of this country? What does it mean to tell workers, ''you have the right to strike''—when we allow them to be summarily fired for exercising that right?

In reality, there is no legal right to strike today. And because there is no legal right to strike, there is no legal right to bargain collectively. And since there is no legal right to bargain collectively, there is no level playing field between workers and management.

In other words, Management gets to say that you must bargain on their terms—or find some other place to work. If you're permanently replaced,

that means you're out of work; you lose all your pension rights; you lose your seniority; you lose your job forever.

How did this happen? We've got to go back to the 1930's for the answer.

In response to widespread worker abuses—and union busting—Congress passed the National Labor Relations Act—the Wagner Act—in 1935 and it was signed into law by President Roosevelt. The Wagner Act guarantees workers the right to organize and bargain collectively and strike if necessary. It makes it illegal for companies to interfere with these rights. In fact, it specifies the right to strike and states: 'Nothing in this act—except as specifically provided herein—shall be construed so as to interfere with or impede or diminish in any way the right to strike.'

In 1938, the Supreme Court dealt the Wagner Act a mortal blow in the case *National Labor Relations Board (NLRB) versus Mackay Radio and Telegraph Co.* In that case, the Court said that Mackay Radio could hire permanent replacement workers for those engaged in an economic strike.

There are two types of strikes: economic and unfair labor practices. Employers must rehire employees in unfair labor practice strikes. The NLRB determines if the strike is economic or based on unfair labor practices. Union cannot know in advance whether NLRB will rule that their employer has engaged in unfair labor practices. So any employee participating in a strike runs a risk of permanently losing his or her job.

What's interesting is that following the Court's ruling, companies did not take advantage of this loophole until the 1980s. Before then, they recognized that doing that would upset this level playing field. For almost 40 years, management rarely hired permanent replacements.

That began to change in the 1980s. Since then, hiring permanent replacements has become a routine practice to break unions and shift the balance between workers and management.

Again Mr. President, the Workplace Fairness Act would restore the fundamental principle of fair labor-management relations—the right of workers to strike without having to fear losing their jobs.

Permanent striker replacement keeps us from moving forward as a nation into an era of high-wage, high-skilled, highly productive jobs in the global marketplace. Without the right to strike, workers' rights will continue to erode. The result will be fewer incentives and less motivation to produce good work, and companies will also suffer with less quality in their products.

Obviously, Mr. President, this legislation won't be adopted this year. But we are introducing it today to begin the debate and to signal our intent on raising it and other fundamental labor law reforms in the next session of Congress. Its time for us to level the playing field for hard-working Americans.

Mr. BIDEN:

S. 3251. A bill to authorize the Secretary of State to provide for the establishment of nonprofit entities for the Department's international educational, cultural, and arts programs; to the Committee on Foreign Relations.

ASSISTANCE FOR INTERNATIONAL EDUCATIONAL, CULTURAL, AND ARTS PROGRAMS OF THE DEPARTMENT OF STATE

Mr. BIDEN. Mr. President, I introduce legislation which would authorize the establishment of nonprofit entities to provide grants and other assistance for international educational, cultural and arts programs through the Department of State. This is an initiative I have discussed with officials of the Department of State and introduce today to initiate discussion on how to best stimulate a vibrant exchange of international educational, cultural and arts programs.

We are in a era in which cultural issues are increasingly central to international issues and diplomacy. Trade disputes, ethnic and regional conflicts and issues such as biotechnology all have cultural and intellectual underpinnings.

Cultural programs are increasingly necessary to promoting international understanding and achieving U.S. national objectives. American multinational companies and other Americans doing business overseas welcome opportunities to show their support for the unique cultures of nations in which they do business, as well as their interest in telling the story of America's diversity in other countries.

One way they could do this is by helping to sponsor cultural exchange programs arranged through the Department of State. The problem is that there is apparently no clear easy way to do that—no point of contact for corporations or others interested in supporting cultural diplomacy—no clear avenues to assist cultural programs supported by our government. There also are concerns about possible conflicts of interest. Moreover, many people in our own government are uncertain whether they should engage in presenting the creative, intellectual and cultural side of our nation.

Under this legislation Congress would authorize the establishment of private nonprofit organizations for the support of international cultural programs, making it both easy and attractive for private organizations to support cultural programs in cooperation with the Department of State. In so doing, we would affirm support for the promotion and presentation of the nation's intellectual and creative best as part of American diplomacy.

This initiative would support a broad range of cultural exchange programs—projects that send Americans abroad and that bring people from other countries to the United States. Its priority would be to support the organization and promotion of major, high-profile presentations of art exhibitions, musical and theatrical performances which represent the finest quality of creativity our nation produces. These should be presentations that reach large numbers of people, which contribute to achieving our national interests and which represent the diversity of American culture.

There would be authority to solicit support for specific cultural endeavors, offering individuals, foundations, multinationals corporations and other American businesses engaged overseas the opportunity to publicly support cross-cultural understanding in countries where they do business.

The nonprofit entity would work with the Bureau of Educational and Cultural Affairs as well as the Under Secretary for Public Diplomacy and Public Affairs at the Department of State.

Mr. President, that is the overall purpose of this legislation. I am sure we will be able to improve on how to encourage a vibrant exchange of cultural programs, and I welcome suggestions on how best to do that. It is for that purpose that I introduce this legislation at the end of this Congress, with the intention of reintroducing it next year with the benefit of those suggestions.

I ask consent that the bill be printed in the RECORD.

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

S. 3251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. FINDINGS.

The Congress makes the following findings:

(1) It is in the national interest of the United States to promote mutual understanding between the people of the United States and other nations.

(2) Among the means to be used in achieving this objective are a wide range of international educational and cultural exchange programs, including the J. William Fulbright Educational Exchange Program and the International Visitors Program.

(3) Cultural diplomacy, especially the presentation abroad of the finest of America's creative, visual and performing arts, is an especially effective means of advancing the U.S. national interest.

(4) The financial support available for international cultural and scholarly exchanges has declined by approximately 10 per cent in recent years.

(5) Funds appropriated for the purpose of ensuring that the excellence, diversity and vitality of the arts in the United States are presented to foreign audiences by and in cooperation with our diplomatic and consular representatives have declined dramatically.

(6) One of the ways to deepen and expand cultural and educational exchange programs is through the establishment of nonprofit entities to encourage the participation and financial support of multinational companies and other private sector contributors.

(7) The U.S. private sector should be encouraged to cooperate closely with the Secretary of State and her representatives to expand and spread appreciation of U.S. cultural and artistic accomplishments.

SEC. 2. AUTHORITY TO ESTABLISH NONPROFIT ENTITIES.

Section 105(f) of the Mutual Educational and Cultural Exchange Act of 1961, as amended, (22 U.S.C. 2255(f)) is further amended—

(1) by inserting ''(1)'' after ''(f)''; and by adding at the end the following new paragraphs:

(2) The Secretary of State is authorized to provide for the establishment of private, nonprofit entities to assist in carrying out the purposes of the Act. Any such entity shall not be considered an agency or instrumentality of the United States government, nor shall its employees be considered employees of the United States government for any purposes.

(3) The entities may, among other functions, (a) encourage participation and support by U.S. multinational companies and other elements of the private sector for cultural, arts and educational exchange programs, including those programs that will enhance international appreciation of America's cultural and artistic accomplishments; (b) solicit and receive contributions from the private sector to support these cultural arts and educational exchange programs; and (c) provide grants and other assistance for these programs.

(4) The Secretary of State is authorized to make such arrangements as are necessary to carry out the purposes of these entities, including the solicitation and receipt of funds for the entity; designation of a program in recognition of such contributions; and designation of members, including employees of the U.S. government, on any board or other body established to administer the entity.

(5) Any funds available to the Department of State may be made available to such entities to cover administrative and other costs for their establishment. Any such entity is authorized to invest any amounts provided to it by the Department of State, and such amounts, as well as any interest or earnings on such amounts, may be used by the entity to carry out its purposes.

ADDITIONAL COSPONSORS

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2789

At the request of Mr. COCHRAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2789, a bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 2938

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 3139

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 3139, a bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien

S. 3147

At the request of Mr. ROBB, the names of the Senator from Ohio (Mr . VOINOVICH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3181

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

At the request of Mr. HAGEL, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3181, supra.

S. 3183

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 3183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. CON. RES. 153

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Con. Res. 153, a concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000, and for other purposes.

SENATE CONCURRENT RESOLUTION 156—TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL S. 1474

Mr. MURKOWSKI submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 156

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1474) providing for the conveyance of the Palmetto Bend project to the State of Texas, the Secretary of the Senate shall make the following correction:

In section 7(a), insert ''not'' after ''shall''.

AMENDMENTS SUBMITTED

OLDER AMERICANS AMENDMENTS OF 1999

GREGG AMENDMENT NO. 4343

Mr. GREGG proposed an amendment to the bill (H.R. 782) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000 through 2003; as follows:

Beginning on page 151, strike line 1 through line 23, page 153, and insert the following:

''(d) RESPONSIBILITY TESTS.—

''(1) IN GENERAL.—Before final selection of a grantee, the Secretary shall make an assessment of the applicant agency or State's overall responsibility to administer Federal funds.

''(2) REVIEW.—

''(A) IN GENERAL.—As part of the assessment described in paragraph (1), the Secretary shall conduct a review of the available records to assess the applicant agency or State's proven ability and history with regard to the management of other grants, including Department of Labor grants, and may consider any other information.

''(B) EXISTING GRANTEES.—As part of the assessment described in paragraph (1), any applicant agency or State who in the prior year received funds under this title shall be assessed in accordance with subparagraph (A), and particular consideration shall be given to such agency or State's proven ability to manage funds under this title.

''(C) TIME FOR REVIEW.—The Secretary shall conduct the review described in this paragraph in a timely manner to ensure that, if such agency or State is determined to be not responsible and ineligible as a grantee, any competition of funds from such agency or State who in the prior year received funds under this title will be accomplished without disruption to any employment of older individuals provided under this title. Such competition shall be performed in accordance with paragraph (7).

''(3) FAILURE TO SATISFY TEST.—The failure to satisfy any 1 responsibility test that is listed in paragraph (4), except for those listed in subparagraphs (A), (B), and (C) of such paragraph, does not establish that the organization is not responsible unless such failure is substantial or persistent (for 2 or more consecutive years).

''(4) TEST.—The responsibility test shall include the following factors:

''(A) Efforts by the Secretary to recover debts, after 3 demand letters have been sent, that are established by final agency action and have been unsuccessful, or that there has been failure to comply with an approved repayment plan.

''(B) Established fraud or criminal activity of a significant nature within the organization.

''(C) Established misuse of funds, including the use of funds to lobby or litigate against any Federal entity or official or to provide compensation for any lobbying or litigation activity identified by the Secretary, independent Inspector General audits, or other official inquiries or investigations by the Federal Government.

''(D) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal regulations.

''(E) Willful obstruction of the audit process.

''(F) Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.

''(G) Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

''(H) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.

''(I) Failure to submit required reports.

''(J) Failure to properly report and dispose of government property as instructed by the Secretary.

''(K) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

''(L) Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A–133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

''(M) Failure to audit a subrecipient within the required period.

''(N) Final disallowed costs in excess of 2 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious findings.

''(O) Failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion.

''(5) DETERMINATION.—Applicants that are determined to be not responsible under paragraph (4), shall not be selected as a grantee, and shall not receive a grant, or be allowed to enter into a contract, to provide goods, services, or employment with funds made available under this title.

''(6) AUTHORITY TO BAR PROVIDERS.—If, after notice and an opportunity for a hearing, the Secretary determines that an applicant agency or State who in the prior year received funds under this title, is not responsible under paragraph (4), and that funds expended under such title by a recipient of a grant, directly or indirectly, by a grant to or contract with a provider to provide employment for older individuals, have not been expended in compliance with this title or a regulation issued to carry out this title, then the Secretary shall issue an order barring such provider, for a period not to exceed 5 years as specified in such order, from receiving a grant, or entering into a contract, to provide goods, services, or employment with funds made available under this title.

''(7) COMPETITION FOR FUNDS.—

''(A) IN GENERAL.—In the case of an applicant agency or State, who has in the prior year received funds under this title, and who has been determined to be not responsible under paragraph (4), the Secretary shall establish procedures to conduct a competition for the funds to carry out such project among any and all eligible entities that meet the responsibility test under paragraph (4), except that any existing grantee that is the subject of the corrective action under subsection (e) shall not be eligible to compete for such funds.

''(B) USE OF FUNDS.—The eligible applicant or State that receives the grant through the competition shall continue service to the geographic areas formerly served by the grantee that previously received the grant.

''(8) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996.

''(9) ADDITIONAL AUDITS.—With respect to unspent funds under this title that are returned to the Department of Labor at the end of the program year, the Secretary may use such funds (not to exceed $1,000,000 annually) to provide for additional auditing and oversight activities of grantees receiving funds under this title.

SMITHSONIAN ASTROPHYSICAL OBSERVATORY SUBMILLIMETER ARRAY LEGISLATION

FRIST (AND OTHERS) AMENDMENT NO. 4344

Mr. JEFFORDS (for Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. ENZI, Mr. HARKIN, Mr. HUTCHINSON, Ms. MIKULSKI, Ms. COLLINS, Mr. WELLSTONE, Mrs. MURRAY, Mr. GORTON, and Mr. GRAHAM)) proposed an amendment to the bill (S. 2498) to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Public Health Improvement Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

Sec. 101. Short title.
Sec. 102. Amendments to the Public Health Service Act.

TITLE II—CLINICAL RESEARCH ENHANCEMENT

Sec. 201. Short title.
Sec. 202. Findings and purpose.
Sec. 203. Increasing the involvement of the National Institutes of Health in clinical research.
Sec. 204. General clinical research centers.
Sec. 205. Loan repayment program regarding clinical researchers.
Sec. 206. Definition.
Sec. 207. Oversight by General Accounting Office.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Biomedical and behavioral research facilities.
Sec. 304. Construction program for National Primate Research Centers.
Sec. 305. Shared instrumentation grant program.

TITLE IV—CARDIAC ARREST SURVIVAL

Subtitle A—Recommendations for Federal Buildings

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Recommendations and guidelines of Secretary of Health and Human Services regarding automated external defibrillators for Federal buildings.
Sec. 404. Good samaritan protections regarding emergency use of automated external defibrillators.

Subtitle B—Rural Access to Emergency Devices

Sec. 411. Short title.
Sec. 412. Findings.
Sec. 413. Grants.

TITLE V—LUPUS RESEARCH AND CARE

Sec. 501. Short title.
Sec. 502. Findings.

Subtitle A—Research on Lupus

Sec. 511. Expansion and intensification of activities.

Subtitle B—Delivery of Services Regarding Lupus

Sec. 521. Establishment of program of grants.
Sec. 522. Certain requirements.
Sec. 523. Technical assistance.
Sec. 524. Definitions.
Sec. 525. Authorization of appropriations.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

Sec. 601. Short title.
Sec. 602. Amendments to the Public Health Service Act.

TITLE VII—ORGAN PROCUREMENT AND DONATION

Sec. 701. Organ procurement organization certification.
Sec. 702. Designation of Give Thanks, Give Life Day.

TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

Sec. 801. Alzheimer's clinical research and training awards.

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

Sec. 901. Sexually transmitted disease clinical research and training awards.

TITLE X—MISCELLENOUS PROVISIONS

Sec. 1001. Technical correction to the Children's Health Act of 2000.

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

SEC. 101. SHORT TITLE.

This title may be cited as the ''Public Health Threats and Emergencies Act''.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by striking section 319 and inserting the following:

''SEC. 319. PUBLIC HEALTH EMERGENCIES.

''(a) EMERGENCIES.—If the Secretary determines, after consultation with such public health officials as may be necessary, that—

''(1) a disease or disorder presents a public health emergency; or

''(2) a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists,

the Secretary may take such action as may be appropriate to respond to the public health emergency, including making grants and entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of a disease or disorder as described in paragraphs (1) and (2).

''(b) PUBLIC HEALTH EMERGENCY FUND.—

''(1) IN GENERAL.—There is established in the Treasury a fund to be designated as the 'Public Health Emergency Fund' to be made available to the Secretary without fiscal year limitation to carry out subsection (a) only if a public health emergency has been declared by the Secretary under such subsection. There is authorized to be appropriated to the Fund such sums as may be necessary.

''(2) REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report describing—

''(A) the expenditures made from the Public Health Emergency Fund in such fiscal year; and

''(B) each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which was conducted or supported by expenditures from the Fund.

''(c) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"SEC. 319A. NATIONAL NEEDS TO COMBAT THREATS TO PUBLIC HEALTH.

''(a) CAPACITIES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, and such Administrators, Directors, or Commissioners, as may be appropriate, and in collaboration with State and local health officials, shall establish reasonable capacities that are appropriate for national, State, and local public health systems and the personnel or work forces of such systems. Such capacities shall be revised every 10 years, or more frequently as the Secretary determines to be necessary.

''(2) BASIS.—The capacities established under paragraph (1) shall improve, enhance or expand the capacity of national, state and local public health agencies to detect and respond effectively to significant public health threats, including major outbreaks of infectious disease, pathogens resistant to antimicrobial agents and acts of bioterrorism. Such capacities may include the capacity to—

''(A) recognize the clinical signs and epidemiological characteristic of significant outbreaks of infectious disease;

''(B) identify disease-causing pathogens rapidly and accurately;

''(C) develop and implement plans to provide medical care for persons infected with disease-causing agents and to provide preventive care as needed for individuals likely to be exposed to disease-causing agents;

''(D) communicate information relevant to significant public health threats rapidly to local, State and national health agencies, and health care providers; or

''(E) develop or implement policies to prevent the spread of infectious disease or antimicrobial resistance.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States to assist such States in fulfilling the requirements of this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

"SEC. 319B. ASSESSMENT OF PUBLIC HEALTH NEEDS.

''(a) PROGRAM AUTHORIZED.—Not later than 1 year after the date of enactment of this section and every 10 years thereafter, the Secretary shall award grants to States, or consortia of 2 or more States or political subdivisions of States, to perform, in collaboration with local public health agencies, an evaluation to determine the extent to which the States or local public health agencies can achieve the capacities applicable to State and local public health agencies described in subsection (a) of section 319A. The Secretary shall provide technical assistance to States, or consortia of 2 or more States or political subdivisions of States, in addition to awarding such grants.

''(b) PROCEDURE.—

''(1) IN GENERAL.—A State, or a consortium of 2 or more States or political subdivisions of States, may contract with an outside entity to perform the evaluation described in subsection (a).

''(2) METHODS.—To the extent practicable, the evaluation described in subsection (a) shall be completed by using methods, to be developed by the Secretary in collaboration with State and local health officials, that facilitate the comparison of evaluations conducted by a State to those conducted by other States receiving funds under this section.

''(c) REPORT.—Not later than 1 year after the date on which a State, or a consortium of 2 or more States or political subdivisions of States, receives a grant under this subsection, such State, or a consortium of 2 or more States or political subdivisions of States, shall prepare and submit to the Secretary a report describing the results of the evaluation described in subsection (a) with respect to such State, or consortia of 2 or more States or political subdivisions of States.

''(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $45,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2003.

"SEC. 319C. GRANTS TO IMPROVE STATE AND LOCAL PUBLIC HEALTH AGENCIES.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award competitive grants to eligible entities to address core public health capacity needs using the capacities developed under section 319A, with a particular focus on building capacity to identify, detect, monitor, and respond to threats to the public health.

''(b) ELIGIBLE ENTITIES.—A State or political subdivision of a State, or a consortium of 2 or more States or political subdivisions of States, that has completed an evaluation under section 319B(a), or an evaluation that is substantially equivalent as determined by the Secretary under section 319B(a), shall be eligible for grants under subsection (a).

''(c) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a), may use funds received under such grant to—

''(1) train public health personnel;

''(2) develop, enhance, coordinate, or improve participation in an electronic network by which disease detection and public health related information can be rapidly shared among national, regional, State, and local public health agencies and health care providers;

''(3) develop a plan for responding to public health emergencies, including significant outbreaks of infectious diseases or bioterrorism attacks, which is coordinated with the capacities of applicable national, State, and local health agencies and health care providers; and

''(4) enhance laboratory capacity and facilities.

''(d) REPORT.—No later than January 1, 2005, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes the activities carried out under sections 319A, 319B, and 319C.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

"SEC. 319D. REVITALIZING THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

''(a) FINDINGS.—Congress finds that the Centers for Disease Control and Prevention have an essential role in defending against and combatting public health threats of the twenty-first century and requires secure and modern facilities that are sufficient to enable such Centers to conduct this important mission.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of achieving the mission of the Centers for Disease Control and Prevention described in subsection (a), for constructing new facilities and renovating existing facilities of such Centers, including laboratories, laboratory support buildings, health communication facilities, office buildings and other facilities and infrastructure, for better conducting the capacities described in section 319A, and for supporting related public health activities, there are authorized to be appropriated $180,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2010.

"SEC. 319E. COMBATING ANTIMICROBIAL RESISTANCE.

''(a) TASK FORCE.—

''(1) IN GENERAL.—The Secretary shall establish an Antimicrobial Resistance Task Force to provide advice and recommendations to the Secretary and coordinate Federal programs relating to antimicrobial resistance. The Secretary may appoint or select a committee, or other organization in existence as of the date of enactment of this section, to serve as such a task force, if such committee, or other organization meets the requirements of this section.

''(2) MEMBERS OF TASK FORCE.—The task force described in paragraph (1) shall be composed of representatives from such Federal agencies, and shall seek input from public health constituencies, manufacturers, veterinary and medical professional societies and others, as determined to be necessary by the Secretary, to develop and implement a comprehensive plan to address the public health threat of antimicrobial resistance.

''(3) AGENDA.—

''(A) IN GENERAL.—The task force described in paragraph (1) shall consider factors the Secretary considers appropriate, including—

''(i) public health factors contributing to increasing antimicrobial resistance;

''(ii) public health needs to detect and monitor antimicrobial resistance;

''(iii) detection, prevention, and control strategies for resistant pathogens;

''(iv) the need for improved information and data collection;

''(v) the assessment of the risk imposed by pathogens presenting a threat to the public health; and

''(vi) any other issues which the Secretary determines are relevant to antimicrobial resistance.

''(B) DETECTION AND CONTROL.—The Secretary, in consultation with the task force described in paragraph (1) and State and local public health officials, shall—

''(i) develop, improve, coordinate or enhance participation in a surveillance plan to detect and monitor emerging antimicrobial resistance; and

''(ii) develop, improve, coordinate or enhance participation in an integrated information system to assimilate, analyze, and exchange antimicrobial resistance data between public health departments.

''(4) MEETINGS.—The task force described under paragraph (1) shall convene not less than twice a year, or more frequently as the Secretary determines to be appropriate.

''(b) RESEARCH AND DEVELOPMENT OF NEW ANTIMICROBIAL DRUGS AND DIAGNOSTICS.—The Secretary and the Director of Agricultural Research Services, consistent with the recommendations of the task force established under subsection (a), shall conduct and support research, investigations, experiments, demonstrations, and studies in the health sciences that are related to—

''(1) the development of new therapeutics, including vaccines and antimicrobials, against resistant pathogens;

''(2) the development or testing of medical diagnostics to detect pathogens resistant to antimicrobials;

''(3) the epidemiology, mechanisms, and pathogenesis of antimicrobial resistance;

''(4) the sequencing of the genomes of priority pathogens as determined by the Director of the National Institutes of Health in consultation with the task force established under subsection (a); and

''(5) other relevant research areas.

''(c) EDUCATION OF MEDICAL AND PUBLIC HEALTH PERSONNEL.—The Secretary, after consultation with the Assistant Secretary for Health, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Agency for Healthcare Research and Quality, members of the task force described in subsection (a), professional organizations and societies, and such other public health officials as may be necessary, shall—

''(1) develop and implement educational programs to increase the awareness of the general public with respect to the public health threat of antimicrobial resistance and the appropriate use of antibiotics;

''(2) develop and implement educational programs to instruct health care professionals in the prudent use of antibiotics; and

''(3) develop and implement programs to train laboratory personnel in the recognition or identification of resistance in pathogens.

''(d) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award competitive grants to eligible entities to enable such entities to increase the capacity to detect, monitor, and combat antimicrobial resistance.

''(2) ELIGIBLE ENTITIES.—Eligible entities for grants under paragraph (1) shall be State or local public health agencies, Indian tribes or tribal organizations, or other public or private nonprofit entities.

''(3) USE OF FUNDS.—An eligible entity receiving a grant under paragraph (1) shall use funds from such grant for activities that are consistent with the factors identified by the task force under subsection (a)(3), which may include activities that—

''(A) provide training to enable such entity to identify patterns of resistance rapidly and accurately;

''(B) develop, improve, coordinate or enhance participation in information systems by which data on resistant infections can be shared rapidly among relevant national, State, and local health agencies and health care providers; and

''(C) develop and implement policies to control the spread of antimicrobial resistance.

''(e) GRANTS FOR DEMONSTRATION PROGRAMS.—

''(1) IN GENERAL.—The Secretary shall award competitive grants to eligible entities to establish demonstration programs to promote judicious use of antimicrobial drugs or control the spread of antimicrobial-resistant pathogens.

''(2) ELIGIBLE ENTITIES.—Eligible entities for grants under paragraph (1) may include hospitals, clinics, institutions of long-term care, professional medical societies, or other public or private nonprofit entities.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall provide appropriate technical assistance to eligible entities that receive grants under paragraph (1).

''(f) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

''SEC. 319F. PUBLIC HEALTH COUNTERMEASURES TO A BIOTERRORIST ATTACK.

''(a) WORKING GROUP ON PREPAREDNESS FOR ACTS OF BIOTERRORISM.—The Secretary, in coordination with the Secretary of Defense, shall establish a joint interdepartmental working group on preparedness and readiness for the medical and public health effects of a bioterrorist attack on the civilian population. Such joint working group shall—

''(1) coordinate research on pathogens likely to be used in a bioterrorist attack on the civilian population as well as therapies to treat such pathogens;

''(2) coordinate research and development into equipment to detect pathogens likely to be used in a bioterrorist attack on the civilian population and protect against infection from such pathogens;

''(3) develop shared standards for equipment to detect and to protect against infection from pathogens likely to be used in a bioterrorist attack on the civilian population; and

''(4) coordinate the development, maintenance, and procedures for the release of, strategic reserves of vaccines, drugs, and medical supplies which may be needed rapidly after a bioterrorist attack upon the civilian population.

''(b) WORKING GROUP ON THE PUBLIC HEALTH AND MEDICAL CONSEQUENCES OF BIOTERRORISM.—

''(1) IN GENERAL.—The Secretary, in collaboration with the Director of the Federal Emergency Management Agency, the Attorney General, and the Secretary of Agriculture, shall establish a joint interdepartmental working group to address the public health and medical consequences of a bioterrorist attack on the civilian population.

''(2) FUNCTIONS.—Such working group shall—

''(A) assess the priorities for and enhance the preparedness of public health institutions, providers of medical care, and other emergency service personnel to detect, diagnose, and respond to a bioterrorist attack; and

''(B) in the recognition that medical and public health professionals are likely to provide much of the first response to such an attack, develop, coordinate, enhance, and assure the quality of joint planning and training programs that address the public health and medical consequences of a bioterrorist attack on the civilian population between—

''(i) local firefighters, ambulance personnel, police and public security officers, or other emergency response personnel; and

''(ii) hospitals, primary care facilities, and public health agencies.

''(3) WORKING GROUP MEMBERSHIP.—In establishing such working group, the Secretary shall act through the Assistant Secretary for Health and the Director of the Centers for Disease Control and Prevention.

''(4) COORDINATION.—The Secretary shall ensure coordination and communication between the working groups established in this subsection and subsection (a).

''(c) GRANTS.—

''(1) IN GENERAL.—The Secretary, in coordination with the working group established under subsection (b), shall, on a competitive basis and following scientific or technical review, award grants to or enter into cooperative agreements with eligible entities to enable such entities to increase their capacity to detect, diagnose, and respond to acts of bioterrorism upon the civilian population.

''(2) ELIGIBILITY.—To be an eligible entity under this subsection, such entity must be a State, political subdivision of a State, a consortium of 2 or more States or political subdivisions of States, or a hospital, clinic, or primary care facility.

''(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use such funds for activities that are consistent with the priorities identified by the working group under subsection (b), including—

''(A) training health care professionals and public health personnel to enhance the ability of such personnel to recognize the symptoms and epidemiological characteristics of exposure to a potential bioweapon;

''(B) addressing rapid and accurate identification of potential bioweapons;

''(C) coordinating medical care for individuals exposed to bioweapons; and

''(D) facilitating and coordinating rapid communication of data generated from a bioterrorist attack between national, State, and local health agencies, and health care providers.

''(4) COORDINATION.—The Secretary, in awarding grants under this subsection, shall—

''(A) notify the Director of the Office of Justice Programs, and the Director of the National Domestic Preparedness Office annually as to the amount and status of grants awarded under this subsection; and

''(B) coordinate grants awarded under this subsection with grants awarded by the Office of Emergency Preparedness and the Centers for Disease Control and Prevention for the purpose of improving the capacity of health care providers and public health agencies to respond to bioterrorist attacks on the civilian population.

''(5) ACTIVITIES.—An entity that receives a grant under this subsection shall, to the greatest extent practicable, coordinate activities carried out with such funds with the activities of a local Metropolitan Medical Response System.

''(d) FEDERAL ASSISTANCE.—The Secretary shall ensure that the Department of Health and Human Services is able to provide such assistance as may be needed to State and local health agencies to enable such agencies to respond effectively to bioterrorist attacks.

''(e) EDUCATION.—The Secretary, in collaboration with members of the working group described in subsection (b), and professional organizations and societies, shall—

''(1) develop and implement educational programs to instruct public health officials, medical professionals, and other personnel working in health care facilities in the recognition and care of victims of a bioterrorist attack; and

''(2) develop and implement programs to train laboratory personnel in the recognition and identification of a potential bioweapon.

''(f) FUTURE RESOURCE DEVELOPMENT.—The Secretary shall consult with the working group described in subsection (a), to develop priorities for and conduct research, investigations, experiments, demonstrations, and studies in the health sciences related to—

''(1) the epidemiology and pathogenesis of potential bioweapons;

''(2) the development of new vaccines or other therapeutics against pathogens likely to be used in a bioterrorist attack;

''(3) the development of medical diagnostics to detect potential bioweapons; and

''(4) other relevant research areas.

''(g) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 180 days after the date of enactment of this section, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions and

the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes—

''(1) Federal activities primarily related to research on, preparedness for, and the management of the public health and medical consequences of a bioterrorist attack against the civilian population;

''(2) the coordination of the activities described in paragraph (1);

''(3) the amount of Federal funds authorized or appropriated for the activities described in paragraph (1); and

''(4) the effectiveness of such efforts in preparing national, State, and local authorities to address the public health and medical consequences of a potential bioterrorist attack against the civilian population.

''(h) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $215,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

''SEC. 319G. DEMONSTRATION PROGRAM TO ENHANCE BIOTERRORISM TRAINING, COORDINATION, AND READINESS.

''(a) IN GENERAL.—The Secretary shall make grants to not more than three eligible entities to carry out demonstration programs to improve the detection of pathogens likely to be used in a bioterrorist attack, the development of plans and measures to respond to bioterrorist attacks, and the training of personnel involved with the various responsibilities and capabilities needed to respond to acts of bioterrorism upon the civilian population. Such awards shall be made on a competitive basis and pursuant to scientific and technical review.

''(b) ELIGIBLE ENTITIES.—Eligible entities for grants under subsection (a) are States, political subdivisions of States, and public or private non-profit organizations.

''(c) SPECIFIC CRITERIA.—In making grants under subsection (a), the Secretary shall take into account the following factors:

''(1) Whether the eligible entity involved is proximate to, and collaborates with, a major research university with expertise in scientific training, identification of biological agents, medicine, and life sciences.

''(2) Whether the entity is proximate to, and collaborates with, a laboratory that has expertise in the identification of biological agents.

''(3) Whether the entity demonstrates, in the application for the program, support and participation of State and local governments and research institutions in the conduct of the program.

''(4) Whether the entity is proximate to, and collaborates with, or is, an academic medical center that has the capacity to serve an uninsured or underserved population, and is equipped to educate medical personnel.

''(5) Such other factors as the Secretary determines to be appropriate.

''(d) DURATION OF AWARD.—The period during which payments are made under a grant under subsection (a) may not exceed five years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

'' (e) SUPPLEMENT NOT SUPPLANT.—Grants under subsection (a) shall be used to supplement, and not supplant, other Federal, State, or local public funds provided for the activities described in such subsection.

''(f) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 180 days after the conclusion of the demonstration programs carried out under subsection (a), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Commerce and the Committee on Appropriations of the House of Representatives, a report that describes the ability of grantees under such subsection to detect pathogens likely to be used in a bioterrorist attack, develop plans and measures for dealing with such threats, and train personnel involved with the various responsibilities and capabilities needed to deal with bioterrorist threats.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000 for fiscal year 2001, and such sums as may be necessary through fiscal year 2006.''.

TITLE II—CLINICAL RESEARCH ENHANCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Clinical Research Enhancement Act of 1999''.

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.

(2) Tremendous advances in biology are opening doors to new insights into human physiology, pathophysiology and disease, creating extraordinary opportunities for clinical research.

(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.

(4) The United States will spend more than $1,200,000,000,000 on health care in 1999, but the Federal budget for health research at the National Institutes of Health was $15,600,000,000 only 1 percent of that total.

(5) Studies at the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.

(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and appointed a special panel, which recommended expanded support for existing National Institutes of Health clinical research programs and the creation of new initiatives to recruit and retain clinical investigators.

(7) The current level of training and support for health professionals in clinical research is fragmented, undervalued, and underfunded.

(8) Young investigators are not only apprentices for future positions but a crucial source of energy, enthusiasm, and ideas in the day-to-day research that constitutes the scientific enterprise. Serious questions about the future of life-science research are raised by the following:

(A) The number of young investigators applying for grants dropped by 54 percent between 1985 and 1993.

(B) The number of physicians applying for first-time National Institutes of Health research project grants fell from 1226 in 1994 to 963 in 1998, a 21 percent reduction.

(C) Newly independent life-scientists are expected to raise funds to support their new research programs and a substantial proportion of their own salaries.

(9) The following have been cited as reasons for the decline in the number of active clinical researchers, and those choosing this career path:

(A) A medical school graduate incurs an average debt of $85,619, as reported in the Medical School Graduation Questionnaire by the Association of American Medical Colleges (AAMC).

(B) The prolonged period of clinical training required increases the accumulated debt burden.

(C) The decreasing number of mentors and role models.

(D) The perceived instability of funding from the National Institutes of Health and other Federal agencies.

(E) The almost complete absence of clinical research training in the curriculum of training grant awardees.

(F) Academic Medical Centers are experiencing difficulties in maintaining a proper environment for research in a highly competitive health care marketplace, which are compounded by the decreased willingness of third party payers to cover health care costs for patients engaged in research studies and research procedures.

(10) In 1960, general clinical research centers were established under the Office of the Director of the National Institutes of Health with an initial appropriation of $3,000,000.

(11) Appropriations for general clinical research centers in fiscal year 1999 equaled $200,500,000.

(12) Since the late 1960s, spending for general clinical research centers has declined from approximately 3 percent to 1 percent of the National Institutes of Health budget.

(13) In fiscal year 1999, there were 77 general clinical research centers in operation, supplying patients in the areas in which such centers operate with access to the most modern clinical research and clinical research facilities and technologies.

(b) PURPOSE.—It is the purpose of this title to provide additional support for and to expand clinical research programs.

SEC. 203. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''SEC. 409C. CLINICAL RESEARCH.

''(a) IN GENERAL.—The Director of National Institutes of Health shall undertake activities to support and expand the involvement of the National Institutes of Health in clinical research.

''(b) REQUIREMENTS.—In carrying out subsection (a), the Director of National Institutes of Health shall—

''(1) consider the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research; and

''(2) establish intramural and extramural clinical research fellowship programs directed specifically at medical and dental students and a continuing education clinical research training program at the National Institutes of Health.

''(c) SUPPORT FOR THE DIVERSE NEEDS OF CLINICAL RESEARCH.—The Director of National Institutes of Health, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including inpatient, outpatient, and critical care clinical research.

''(d) PEER REVIEW.—The Director of National Institutes of Health shall establish peer review mechanisms to evaluate applications for the awards and fellowships provided for in subsection (b)(2) and section 409D. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.''.

SEC. 204. GENERAL CLINICAL RESEARCH CENTERS.

(a) GRANTS.—Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

"SEC. 481C. GENERAL CLINICAL RESEARCH CENTERS.

''(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

''(b) ACTIVITIES.—In carrying out subsection (a), the Director of National Institutes of Health shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.''.

(b) ENHANCEMENT AWARDS.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 203, is further amended by adding at the end the following:

"SEC. 409D. ENHANCEMENT AWARDS.

''(a) MENTORED PATIENT-ORIENTED RESEARCH CAREER DEVELOPMENT AWARDS.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mentored Patient-Oriented Research Career Development Awards') to support individual careers in clinical research at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

''(B) USE.—Grants under subparagraph (A) shall be used to support clinical investigators in the early phases of their independent careers by providing salary and such other support for a period of supervised study.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(b) MID-CAREER INVESTIGATOR AWARDS IN PATIENT-ORIENTED RESEARCH.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mid-Career Investigator Awards in Patient-Oriented Research') to support individual clinical research projects at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

''(B) USE.—Grants under subparagraph (A) shall be used to provide support for mid-career level clinicians to allow such clinicians to devote time to clinical research and to act as mentors for beginning clinical investigators.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(c) GRADUATE TRAINING IN CLINICAL INVESTIGATION AWARD.—

''(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Graduate Training in Clinical Investigation Awards') to support individuals pursuing master's or doctoral degrees in clinical investigation.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) LIMITATIONS.—Grants under this subsection shall be for terms of 2 years or more and shall provide stipend, tuition, and institutional support for individual advanced degree programs in clinical investigation.

''(4) DEFINITION.—As used in this subsection, the term 'advanced degree programs in clinical investigation' means programs that award a master's or Ph.D. degree in clinical investigation after 2 or more years of training in areas such as the following:

''(A) Analytical methods, biostatistics, and study design.

''(B) Principles of clinical pharmacology and pharmacokinetics.

''(C) Clinical epidemiology.

''(D) Computer data management and medical informatics.

''(E) Ethical and regulatory issues.

''(F) Biomedical writing.

''(5) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(d) CLINICAL RESEARCH CURRICULUM AWARDS.—

''(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Clinical Research Curriculum Awards') to institutions for the development and support of programs of core curricula for training clinical investigators, including medical students. Such core curricula may include training in areas such as the following:

''(A) Analytical methods, biostatistics, and study design.

''(B) Principles of clinical pharmacology and pharmacokinetics.

''(C) Clinical epidemiology.

''(D) Computer data management and medical informatics.

''(E) Ethical and regulatory issues.

''(F) Biomedical writing.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual institution or a consortium of institutions at such time as the Director may require. An institution may submit only 1 such application.

''(3) LIMITATIONS.—Grants under this subsection shall be for terms of up to 5 years and may be renewable.

''(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.''.

SEC. 205. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288–5) the following:

"SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified health professionals under which such health professionals agree to conduct clinical research, in consideration of the Federal Government agreeing to repay, for each year of service conducting such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

''(b) APPLICATION OF PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

''(c) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(2) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.''.

SEC. 206. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 284d) is amended—

(1) by striking ''For purposes'' and inserting ''(a) HEALTH SERVICE RESEARCH.—For purposes''; and

(2) by adding at the end the following:

''(b) CLINICAL RESEARCH.—As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations involving material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology or disease, or epidemiologic or behavioral studies, outcomes research or health services research, or developing new technologies, therapeutic interventions, or clinical trials.''.

SEC. 207. OVERSIGHT BY GENERAL ACCOUNTING OFFICE.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a reporting describing the extent to which the National Institutes of Health has complied with the amendments made by this title.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

SEC. 301. SHORT TITLE.

This title may be cited as the ''Twenty-First Century Research Laboratories Act''.

SEC. 302. FINDINGS.

Congress finds that—

(1) the National Institutes of Health is the principal source of Federal funding for medical research at universities and other research institutions in the United States;

(2) the National Institutes of Health has received a substantial increase in research funding from Congress for the purpose of expanding the national investment of the United States in behavioral and biomedical research;

(3) the infrastructure of our research institutions is central to the continued leadership of the United States in medical research;

(4) as Congress increases the investment in cutting-edge basic and clinical research, it is critical that Congress also examine the current quality of the laboratories and buildings where research is being conducted, as well as the quality of laboratory equipment used in research;

(5) many of the research facilities and laboratories in the United States are outdated and inadequate;

(6) the National Science Foundation found, in a 1998 report on the status of biomedical research facilities, that over 60 percent of research-performing institutions indicated that they had an inadequate amount of medical research space;

(7) the National Science Foundation reports that academic institutions have deferred nearly $11,000,000,000 in renovation and construction projects because of a lack of funds; and

(8) future increases in Federal funding for the National Institutes of Health must include increased support for the renovation and construction of extramural research facilities in the United States and the purchase of state-of-the-art laboratory instrumentation.

SEC. 303. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Section 481A of the Public Health Service Act (42 U.S.C. 287a–2 et seq.) is amended to read as follows:

"SEC. 481A. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

''(a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

''(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

''(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

''(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

''(1) IN GENERAL: APPROVAL AS PRECONDITION TO GRANTS.—

''(A) ESTABLISHMENT.—There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (referred to in this section as the 'Board').

''(B) REQUIREMENT.—The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

''(2) DUTIES.—

''(A) ADVICE.—The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (in this section referred to as the 'Advisory Council') in carrying out this section.

''(B) DETERMINATION OF MERIT.—In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

''(C) AMOUNT.—In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided under the grant.

''(D) ANNUAL REPORT.—In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

''(i) summarize and analyze expenditures made under this section;

''(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

''(iii) contain the recommendations of the Board for any changes in the administration of this section.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 15 members to be appointed by the Director of the Center, and such ad-hoc or temporary members as the Director of the Center determines to be appropriate. All members of the Board, including temporary and ad-hoc members, shall be voting members.

''(B) LIMITATION.—Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

''(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

''(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

''(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

''(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

''(D) are experienced with emerging centers of excellence, as described in subsection (c)(2).

''(5) CERTAIN AUTHORITIES.—

''(A) WORKSHOPS AND CONFERENCES.—In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

''(B) SUBCOMMITTEES.—In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

''(6) TERMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

''(B) STAGGERED TERMS.—Members appointed to the Board shall serve staggered terms as specified by the Director of the Center when making the appointments.

''(C) REAPPOINTMENT.—No member of the Board shall be eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

''(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

''(c) REQUIREMENTS FOR GRANTS.—

''(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

''(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

''(B) The applicant provides assurances satisfactory to the Director that—

''(i) for not less than 20 years after completion of the construction involved, the facility will be used for the purposes of the research for which it is to be constructed;

''(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

''(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

''(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

''(C) The applicant meets reasonable qualifications established by the Director with respect to—

''(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

''(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

''(iii) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

''(iv) the age and condition of existing research facilities.

''(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

''(2) INSTITUTIONS OF EMERGING EXCELLENCE.—From the amount appropriated under subsection (i) for a fiscal year up to $50,000,000, the Director of the Center shall make available 25 percent of such amount, and from the amount appropriated under such subsection for a fiscal year that is over $50,000,000, the Director of the Center shall make available up to 25 percent of such amount, for grants under subsection (a) to applicants that in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

''(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

''(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

''(C) The applicant has been productive in research or research development and training.

''(D) The applicant—

''(i) has been designated as a center of excellence under section 739;

''(ii) is located in a geographic area whose population includes a significant number of individuals with health status deficit, and the applicant provides health services to such individuals; or

''(iii) is located in a geographic area in which a deficit in health care technology,

services, or research resources may adversely affect the health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

''(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(e) AMOUNT OF GRANT; PAYMENTS.—

''(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

''(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

''(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

''(2) RESERVATION OF AMOUNTS.—On the approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available for such grants, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

''(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

''(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

''(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

''(4) WAIVER OF LIMITATIONS.—The limitations imposed under paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in subsection (c).

''(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

''(1) the applicant or other owner of the facility shall cease to be a public or non profit private entity; or

''(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

''(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

''(h) REPORT TO CONGRESS.—The Director of the Center shall prepare and submit to the appropriate committees of Congress a biennial report concerning the status of the biomedical and behavioral research facilities and the availability and condition of technologically sophisticated laboratory equipment in the United States. Such reports shall be developed in concert with the report prepared by the National Science Foundation on the needs of research facilities of universities as required under section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $250,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.''.

SEC. 304. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTERS.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking ''1994'' and all that follows through ''$5,000,000'' and inserting ''2000 through 2002, reserve from the amounts appropriated under section 481A(i) such sums as necessary''.

SEC. 305. SHARED INSTRUMENTATION GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year, to enable the Secretary of Health and Human Services, acting through the Director of the National Center for Research Resources, to provide for the continued operation of the Shared Instrumentation Grant Program (initiated in fiscal year 1992 under the authority of section 479 of the Public Health Service Act (42 U.S.C. 287 et seq.)).

(b) REQUIREMENTS FOR GRANTS.—In determining whether to award a grant to an applicant under the program described in subsection (a), the Director of the National Center for Research Resources shall consider—

(1) the extent to which an award for the specific instrument involved would meet the scientific needs and enhance the planned research endeavors of the major users by providing an instrument that is unavailable or to which availability is highly limited;

(2) with respect to the instrument involved, the availability and commitment of the appropriate technical expertise within the major user group or the applicant institution for use of the instrumentation;

(3) the adequacy of the organizational plan for the use of the instrument involved and the internal advisory committee for oversight of the applicant, including sharing arrangements if any;

(4) the applicant's commitment for continued support of the utilization and maintenance of the instrument; and

(5) the extent to which the specified instrument will be shared and the benefit of the proposed instrument to the overall research community to be served.

(c) PEER REVIEW.—In awarding grants under the program described in subsection (a) Director of the National Center for Research Resources shall comply with the peer review requirements in section 492 of the Public Health Service Act (42 U.S.C. 289a).

TITLE IV—CARDIAC ARREST SURVIVAL

Subtitle A—Recommendations for Federal Buildings

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Cardiac Arrest Survival Act of 2000''.

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) Over 700 lives are lost every day to sudden cardiac arrest in the United States alone.

(2) Two out of every three sudden cardiac deaths occur before a victim can reach a hospital.

(3) More than 95 percent of these cardiac arrest victims will die, many because of lack of readily available life saving medical equipment.

(4) With current medical technology, up to 30 percent of cardiac arrest victims could be saved if victims had access to immediate medical response, including defibrillation and cardiopulmonary resuscitation.

(5) Once a victim has suffered a cardiac arrest, every minute that passes before returning the heart to a normal rhythm decreases the chance of survival by 10 percent.

(6) Most cardiac arrests are caused by abnormal heart rhythms called ventricular fibrillation. Ventricular fibrillation occurs when the heart's electrical system malfunctions, causing a chaotic rhythm that prevents the heart from pumping oxygen to the victim's brain and body.

(7) Communities that have implemented programs ensuring widespread public access to defibrillators, combined with appropriate training, maintenance, and coordination with local emergency medical systems, have dramatically improved the survival rates from cardiac arrest.

(8) Automated external defibrillator devices have been demonstrated to be safe and effective, even when used by lay people, since the devices are designed not to allow a user to administer a shock until after the device has analyzed a victim's heart rhythm and determined that an electric shock is required.

(9) Increasing public awareness regarding automated external defibrillator devices and encouraging their use in Federal buildings will greatly facilitate their adoption.

(10) Limiting the liability of Good Samaritans and acquirers of automated external defibrillator devices in emergency situations may encourage the use of automated external defibrillator devices, and result in saved lives.

SEC. 403. RECOMMENDATIONS AND GUIDELINES OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following:

''RECOMMENDATIONS AND GUIDELINES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS

''SEC. 247. (a) GUIDELINES ON PLACEMENT.—The Secretary shall establish guidelines with respect to placing automated external defibrillator devices in Federal buildings. Such guidelines shall take into account the extent to which such devices may be used by lay persons, the typical number of employees and visitors in the buildings, the extent of the need for security measures regarding the buildings, buildings or portions of buildings in which there are special circumstances such as high electrical voltage or extreme heat or cold, and such other factors as the Secretary determines to be appropriate.

''(b) RELATED RECOMMENDATIONS.—The Secretary shall publish in the Federal Register the recommendations of the Secretary on the appropriate implementation of the placement of automated external defibrillator devices under subsection (a), including procedures for the following:

''(1) Implementing appropriate training courses in the use of such devices, including the role of cardiopulmonary resuscitation.

''(2) Proper maintenance and testing of the devices.

''(3) Ensuring coordination with appropriate licensed professionals in the oversight of training of the devices.

''(4) Ensuring coordination with local emergency medical systems regarding the placement and incidents of use of the devices.

''(c) CONSULTATIONS; CONSIDERATION OF CERTAIN RECOMMENDATIONS.—In carrying out this section, the Secretary shall—

''(1) consult with appropriate public and private entities;

''(2) consider the recommendations of national and local public-health organizations for improving the survival rates of individuals who experience cardiac arrest in nonhospital settings by minimizing the time elapsing between the onset of cardiac arrest and the initial medical response, including defibrillation as necessary; and

''(3) consult with and counsel other Federal agencies where such devices are to be used.

''(d) DATE CERTAIN FOR ESTABLISHING GUIDELINES AND RECOMMENDATIONS.—The Secretary shall comply with this section not later than 180 days after the date of the enactment of the Cardiac Arrest Survival Act of 2000.

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'automated external defibrillator device' has the meaning given such term in section 248.

''(2) The term 'Federal building' includes a building or portion of a building leased or rented by a Federal agency, and includes buildings on military installations of the United States.''.

SEC. 404. GOOD SAMARITAN PROTECTIONS REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 403, is amended by adding at the end the following:

''LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

''SEC. 248. (a) GOOD SAMARITAN PROTECTIONS REGARDING AEDS.—Except as provided in subsection (b), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency is immune from civil liability for any harm resulting from the use or attempted use of such device; and in addition, any person who acquired the device is immune from such liability, if the harm was not due to the failure of such acquirer of the device—

''(1) to notify local emergency response personnel or other appropriate entities of the most recent placement of the device within a reasonable period of time after the device was placed;

''(2) to properly maintain and test the device; or

''(3) to provide appropriate training in the use of the device to an employee or agent of the acquirer when the employee or agent was the person who used the device on the victim, except that such requirement of training does not apply if—

''(A) the employee or agent was not an employee or agent who would have been reasonably expected to use the device; or

''(B) the period of time elapsing between the engagement of the person as an employee or agent and the occurrence of the harm (or between the acquisition of the device and the occurrence of the harm, in any case in which the device was acquired after such engagement of the person) was not a reasonably sufficient period in which to provide the training.

''(b) INAPPLICABILITY OF IMMUNITY.—Immunity under subsection (a) does not apply to a person if—

''(1) the harm involved was caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed; or

''(2) the person is a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional and within the scope of the employment or agency of the professional; or

''(3) the person is a hospital, clinic, or other entity whose purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; or

''(4) the person is an acquirer of the device who leased the device to a health care entity (or who otherwise provided the device to such entity for compensation without selling the device to the entity), and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent.

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—The following applies with respect to this section:

''(A) This section does not establish any cause of action, or require that an automated external defibrillator device be placed at any building or other location.

''(B) With respect to a class of persons for which this section provides immunity from civil liability, this section supersedes the law of a State only to the extent that the State has no statute or regulations that provide persons in such class with immunity for civil liability arising from the use by such persons of automated external defibrillator devices in emergency situations (within the meaning of the State law or regulation involved).

''(C) This section does not waive any protection from liability for Federal officers or employees under—

''(i) section 224; or

''(ii) sections 1346(b), 2672, and 2679 of title 28, United States Code, or under alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28.

''(2) CIVIL ACTIONS UNDER FEDERAL LAW.—

''(A) IN GENERAL.—The applicability of subsections (a) and (b) includes applicability to any action for civil liability described in subsection (a) that arises under Federal law.

''(B) FEDERAL AREAS ADOPTING STATE LAW.—If a geographic area is under Federal jurisdiction and is located within a State but out of the jurisdiction of the State, and if, pursuant to Federal law, the law of the State applies in such area regarding matters for which there is no applicable Federal law, then an action for civil liability described in subsection (a) that in such area arises under the law of the State is subject to subsections (a) through (c) in lieu of any related State law that would apply in such area in the absence of this subparagraph.

''(d) FEDERAL JURISDICTION.—In any civil action arising under State law, the courts of the State involved have jurisdiction to apply the provisions of this section exclusive of the jurisdiction of the courts of the United States.

''(e) DEFINITIONS.—

''(1) PERCEIVED MEDICAL EMERGENCY.—For purposes of this section, the term 'perceived medical emergency' means circumstances in which the behavior of an individual leads a reasonable person to believe that the individual is experiencing a life-threatening medical condition that requires an immediate medical response regarding the heart or other cardiopulmonary functioning of the individual.

''(2) OTHER DEFINITIONS.—For purposes of this section:

''(A) The term 'automated external defibrillator device' means a defibrillator device that—

''(i) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act;

''(ii) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed;

''(iii) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual; and

''(iv) in the case of a defibrillator device that may be operated in either an automated or a manual mode, is set to operate in the automated mode.

''(B)(i) The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

''(ii) The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

''(iii) The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.''.

Subtitle B—Rural Access to Emergency Devices

SEC. 411. SHORT TITLE.

This subtitle may be cited as the ''Rural Access to Emergency Devices Act'' or the ''Rural AED Act''.

SEC. 412. FINDINGS.

Congress makes the following findings:

(1) Heart disease is the leading cause of death in the United States.

(2) The American Heart Association estimates that 250,000 Americans die from sudden cardiac arrest each year.

(3) A cardiac arrest victim's chance of survival drops 10 percent for every minute that passes before his or her heart is returned to normal rhythm.

(4) Because most cardiac arrest victims are initially in ventricular fibrillation, and the only treatment for ventricular fibrillation is defibrillation, prompt access to defibrillation to return the heart to normal rhythm is essential.

(5) Lifesaving technology, the automated external defibrillator, has been developed to allow trained lay rescuers to respond to cardiac arrest by using this simple device to shock the heart into normal rhythm.

(6) Those people who are likely to be first on the scene of a cardiac arrest situation in many communities, particularly smaller and rural communities, lack sufficient numbers of automated external defibrillators to respond to cardiac arrest in a timely manner.

(7) The American Heart Association estimates that more than 50,000 deaths could be prevented each year if defibrillators were more widely available to designated responders.

(8) Legislation should be enacted to encourage greater public access to automated

external defibrillators in communities across the United States.

SEC. 413. GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Rural Health Outreach Office of the Health Resources and Services Administration, shall award grants to community partnerships that meet the requirements of subsection (b) to enable such partnerships to purchase equipment and provide training as provided for in subsection (c).

(b) COMMUNITY PARTNERSHIPS.—A community partnership meets the requirements of this subsection if such partnership—

(1) is composed of local emergency response entities such as community training facilities, local emergency responders, fire and rescue departments, police, community hospitals, and local non-profit entities and for-profit entities concerned about cardiac arrest survival rates;

(2) evaluates the local community emergency response times to assess whether they meet the standards established by national public health organizations such as the American Heart Association and the American Red Cross; and

(3) submits to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts provided under a grant under this section shall be used—

(1) to purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration; and

(2) to provide defibrillator and basic life support training in automated external defibrillator usage through the American Heart Association, the American Red Cross, or other nationally recognized training courses.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether the increased availability of defibrillators has affected survival rates in the communities in which grantees under this section operated. The procedures under which the Secretary obtains data and prepares the report under this subsection shall not impose an undue burden on program participants under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for fiscal years 2001 through 2003 to carry out this section.

TITLE V—LUPUS RESEARCH AND CARE

SEC. 501. SHORT TITLE.

This title may be cited as the ''Lupus Research and Care Amendments of 2000''.

SEC. 502. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women nine times more often than men;

(3) there are three main types of lupus: systemic lupus, a serious form of the disease that affects many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is three times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that between 1,400,000 and 2,000,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatments for the disease can be effective, but may lead to damaging side effects;

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives; and

(10) in fiscal year 1996, the amount allocated by the National Institutes of Health for research on lupus was $33,000,000, which is less than one-half of 1 percent of the budget for such Institutes.

Subtitle A—Research on Lupus

SEC. 511. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following:

''LUPUS

''SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

''(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

''(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

''(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

''(2) Basic research concerning the etiology and causes of the disease.

''(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease.

''(4) The development of improved diagnostic techniques.

''(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

''(6) Information and education programs for health care professionals and the public.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.''.

Subtitle B—Delivery of Services Regarding Lupus

SEC. 521. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall in accordance with this subtitle make grants to provide for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with lupus and their families.

(b) RECIPIENTS OF GRANTS.—A grant under subsection (a) may be made to an entity only if the entity is a public or nonprofit private entity, which may include a State or local government; a public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, or homeless health center; or other appropriate public or nonprofit private entity.

(c) CERTAIN ACTIVITIES.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide services for the diagnosis and disease management of lupus. Activities that the Secretary may authorize for such projects may also include the following:

(1) Delivering or enhancing outpatient, ambulatory, and home-based health and support services, including case management and comprehensive treatment services, for individuals with lupus; and delivering or enhancing support services for their families.

(2) Delivering or enhancing inpatient care management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities of individuals with lupus.

(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with lupus and support services for their families.

(d) INTEGRATION WITH OTHER PROGRAMS.—To the extent practicable and appropriate, the Secretary shall integrate the program under this subtitle with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

SEC. 522. CERTAIN REQUIREMENTS.

A grant may be made under section 521 only if the applicant involved makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of lupus.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payment for services authorized under section 521(a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 521(a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

SEC. 523. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to assist entities in complying with the requirements of this subtitle in order to make such entities eligible to receive grants under section 521.

SEC. 524. DEFINITIONS.

For purposes of this subtitle:

(1) OFFICIAL POVERTY LINE.—The term ''official poverty line'' means the poverty line

established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 525. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Prostate Cancer Research and Prevention Act''.

SEC. 602. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PREVENTIVE HEALTH MEASURES.—Section 317D of the Public Health Service Act (42 U.S.C. 247b–5) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and local health departments for the purpose of enabling such States and departments to carry out programs that may include the following:

''(1) To identify factors that influence the attitudes or levels of awareness of men and health care practitioners regarding screening for prostate cancer.

''(2) To evaluate, in consultation with the Agency for Health Care Policy and Research and the National Institutes of Health, the effectiveness of screening strategies for prostate cancer.

''(3) To identify, in consultation with the Agency for Health Care Policy and Research, issues related to the quality of life for men after prostrate cancer screening and followup.

''(4) To develop and disseminate public information and education programs for prostate cancer, including appropriate messages about the risks and benefits of prostate cancer screening for the general public, health care providers, policy makers and other appropriate individuals.

''(5) To improve surveillance for prostate cancer.

''(6) To address the needs of underserved and minority populations regarding prostate cancer.

''(7) Upon a determination by the Secretary, who shall take into consideration recommendations by the United States Preventive Services Task Force and shall seek input, where appropriate, from professional societies and other private and public entities, that there is sufficient consensus on the effectiveness of prostate cancer screening—

''(A) to screen men for prostate cancer as a preventive health measure;

''(B) to provide appropriate referrals for the medical treatment of men who have been screened under subparagraph (A) and to ensure, to the extent practicable, the provision of appropriate followup services and support services such as case management;

''(C) to establish mechanisms through which State and local health departments can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

''(D) to improve, in consultation with the Health Resources and Services Administration, the education, training, and skills of health practitioners (including appropriate allied health professionals) in the detection and control of prostate cancer.

''(8) To evaluate activities conducted under paragraphs (1) through (7) through appropriate surveillance or program monitoring activities.''; and

(2) in subsection (l)(1), by striking ''1998'' and inserting ''2004''.

(b) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a–8(c)) is amended by striking ''and 1996'' and inserting ''through 2004''.

TITLE VII—ORGAN PROCUREMENT AND DONATION

SEC. 701. ORGAN PROCUREMENT ORGANIZATION CERTIFICATION.

(a) SHORT TITLE.—This section may be cited as the ''Organ Procurement Organization Certification Act of 2000''.

(b) FINDINGS.—Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authority under section 1138(b)(1)(A)(i) of the Social Security Act (42 U.S.C. 1320b–8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to—

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for appeals.

(c) CERTIFICATION AND RECERTIFICATION OF ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

''(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either—

''(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of—

''(I) January 1, 2002; or

''(II) the completion of recertification under the requirements of clause (ii); or

''(ii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that—

''(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

''(II) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

''(III) use multiple outcome measures as part of the certification process; and

''(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;''.

SEC. 702. DESIGNATION OF GIVE THANKS, GIVE LIFE DAY.

(a) FINDINGS.—Congress finds that—

(1) traditionally, Thanksgiving is a time for families to take time out of their busy lives to come together and to give thanks for the many blessings in their lives;

(2) approximately 21,000 men, women, and children in the United States are given the gift of life each year through transplantation surgery, made possible by the generosity of organ and tissue donations;

(3) more than 66,000 Americans are awaiting their chance to prolong their lives by finding a matching donor;

(4) nearly 5,000 of these patients each year (or 13 patients each day) die while waiting for a donated heart, liver, kidney, or other organ;

(5) nationwide there are up to 15,000 potential donors annually, but families' consent to donation is received for less than 6,000;

(6) the need for organ donations greatly exceeds the supply available;

(7) designation as an organ donor on a driver's license or voter's registration is a valuable step, but does not ensure donation when an occasion arises;

(8) the demand for transplantation will likely increase in the coming years due to the growing safety of transplantation surgery due to improvements in technology and drug developments, prolonged life expectancy, and increased prevalence of diseases that may lead to organ damage and failure, including hypertension, alcoholism, and hepatitis C infection;

(9) the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

(10) the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient's initial intent;

(11) many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

(12) some family members may be reluctant to give consent to donate their deceased loved one's organs and tissues at a very difficult and emotional time if that person has

not clearly expressed a desire or willingness to do so;

(13) the vast majority of Americans are likely to spend part of Thanksgiving Day with some of those family members who would be approached to make such a decision; and

(14) it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings.

(b) DESIGNATION.—November 23, 2000, Thanksgiving Day, is hereby designated as a day to ''Give Thanks, Give Life'' and to discuss organ and tissue donation with other family members so that informed decisions can be made if the occasion to donate arises.

TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

SEC. 801. ALZHEIMER'S CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.) is amended—

(1) by redesignating section 445I as section 445J; and

(2) by inserting after section 445H the following:

''SEC. 445I. ALZHEIMER'S CLINICAL RESEARCH AND TRAINING AWARDS.

''(a) IN GENERAL.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with Alzheimer's disease.

''(b) SUPPORT OF PROMISING CLINICIANS.—In order to foster the application of the most current developments in the etiology, pathogenesis, diagnosis, prevention and treatment of Alzheimer's disease, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in Alzheimer's disease research and treatment.

''(c) EXCELLENCE IN CERTAIN FIELDS.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in neuroscience, neurobiology, geriatric medicine, and psychiatry and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.''.

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

SEC. 901. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f et seq.) is amended by adding at the end the following:

''SEC. 447B. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

''(a) IN GENERAL.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with sexually transmitted diseases.

''(b) SUPPORT OF PROMISING CLINICIANS.—In order to foster the application of the most current developments in the etiology, pathogenesis, diagnosis, prevention and treatment of sexually transmitted diseases, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in sexually transmitted disease research and treatment.

''(c) EXCELLENCE IN CERTAIN FIELDS.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in the etiology and pathogenesis of sexually transmitted diseases and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.''.

TITLE X—MISCELLENOUS PROVISIONS

SEC. 1001. TECHNICAL CORRECTION TO THE CHILDREN'S HEALTH ACT OF 2000.

(a) IN GENERAL.—Section 2701 of the Children's Health Act of 2000 is amended by striking ''part 45 of title 46'' and inserting ''part 46 of title 45''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of the Children's Health Act of 2000.

PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

SESSIONS AMENDMENT NO. 4345

Mr. BROWNBACK (for Mr. SESSIONS) proposed an amendment to the bill (S. 3045) to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Paul Coverdell National Forensic Sciences Improvement Act of 2000''.

SEC. 2. IMPROVING THE QUALITY, TIMELINESS, AND CREDIBILITY OF FORENSIC SCIENCE SERVICES FOR CRIMINAL JUSTICE PURPOSES.

(a) DESCRIPTION OF DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 375(b)) is amended—

(1) in paragraph (25), by striking ''and'' at the end;

(2) in paragraph (26), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.''.

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

''(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

''(A) forensic science laboratory or forensic science laboratory system, that—

''(i) employs 1 or more full-time scientists—

''(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

''(II) who provide testimony with respect to such physical evidence to the criminal justice system;

''(ii) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

''(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

''(B) medical examiner's office (as defined by the National Association of Medical Examiners) that—

''(i) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

''(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.''.

(c) PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

''PART BB—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS

''SEC. 2801. GRANT AUTHORIZATION.

''The Attorney General shall award grants to States in accordance with this part.

''SEC. 2802. APPLICATIONS.

''To request a grant under this part, a State shall submit to the Attorney General—

''(1) a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 2804(a), and a specific description of the manner in which the grant will be used to carry out that plan;

''(2) a certification that any forensic science laboratory system, medical examiner's office, or coroner's office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations; and

''(3) a specific description of any new facility to be constructed as part of the program described in paragraph (1), and the estimated costs of that facility, and a certification that the amount of the grant used for the costs of the facility will not exceed the limitations set forth in section 2804(c).

''SEC. 2803. ALLOCATION.

''(a) IN GENERAL.—

''(1) POPULATION ALLOCATION.—Seventy-five percent of the amount made available to carry out this part in each fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this part for that fiscal year as the population of the State bears to the population of all States.

''(2) DISCRETIONARY ALLOCATION.—Twenty-five percent of the amount made available to carry out this part in each fiscal year shall be allocated pursuant to the Attorney General's discretion to States with above average rates of part 1 violent crimes based on the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent

calendar years for which such data is available.

''(3) MINIMUM REQUIREMENT.—Each State shall receive not less than 0.6 percent of the amount made available to carry out this part in each fiscal year.

''(4) PROPORTIONAL REDUCTION.—If the amounts available to carry out this part in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

''(b) STATE DEFINED.—In this section, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

''(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

''(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

''SEC. 2804. USE OF GRANTS.

''(a) IN GENERAL.—A State that receives a grant under this part shall use the grant to carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

''(b) PERMITTED CATEGORIES OF FUNDING.—Subject to subsections (c) and (d), a grant awarded under this part—

''(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

''(2) may not be used for any general law enforcement or nonforensic investigatory function.

''(c) FACILITIES COSTS.—

''(1) STATES RECEIVING MINIMUM GRANT AMOUNT.—With respect to a State that receives a grant under this part in an amount that does not exceed 0.6 percent of the total amount made available to carry out this part for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

''(2) OTHER STATES.—With respect to a State that receives a grant under this part in an amount that exceeds 0.6 percent of the total amount made available to carry out this part for a fiscal year—

''(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

''(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

''(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the total amount of a grant awarded under this part may be used for administrative expenses.

''SEC. 2805. ADMINISTRATIVE PROVISIONS.

''(a) REGULATIONS.—The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this part, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 2802.

''(b) EXPENDITURE RECORDS.—

''(1) RECORDS.—Each State, or unit of local government within the State, that receives a grant under this part shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

''(2) ACCESS.—The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this part, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

''SEC. 2806. REPORTS.

''(a) REPORTS TO ATTORNEY GENERAL.—For each fiscal year for which a grant is awarded under this part, each State that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

''(1) a summary and assessment of the program carried out with the grant;

''(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency; and

''(3) such other information as the Attorney General may require.

''(b) REPORTS TO CONGRESS.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

''(1) the aggregate amount of grants awarded under this part for that fiscal year; and

''(2) a summary of the information provided under subsection (a).''.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

''(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

''(A) $35,000,000 for fiscal year 2001;

''(B) $85,400,000 for fiscal year 2002;

''(C) $134,733,000 for fiscal year 2003;

''(D) $128,067,000 for fiscal year 2004;

''(E) $56,733,000 for fiscal year 2005; and

''(F) $42,067,000 for fiscal year 2006.''.

(B) BACKLOG ELIMINATION.—There is authorized to be appropriated $30,000,000 for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and for other related purposes, as provided in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001.

(3) TABLE OF CONTENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the table of contents.

(4) REPEAL OF 20 PERCENT FLOOR FOR CITA CRIME LAB GRANTS.—Section 102(e)(2) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(2)) is amended—

(A) in subparagraph (B), by adding ''and'' at the end; and

(B) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

SEC. 3. CLARIFICATION REGARDING CERTAIN CLAIMS.

(a) IN GENERAL.—Section 983(a)(2)(C)(ii) of title 18, United States Code, is amended by striking ''(and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 2(a) of Public Law 106–185.

SEC. 4. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribonucleic acid testing (referred to in this section as ''DNA testing'') has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in this country;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of the proceedings.

Amend the title to read as follows: ''A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.''.

BIRMINGHAM PLEDGE LEGISLATION

SESSIONS AMENDMENTS NOS. 4346–4347

Mr. BROWNBACK (for Mr. SESSIONS) proposed two amendments to the joint resolution (H.J. Res. 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes; as follows:

AMENDMENT NO. 4346

Strike all after the resolved clause and insert the following:

That—

(1) Congress recognizes that the Birmingham Pledge is a significant contribution toward fostering racial harmony and reconciliation in the United States and around the world;

(2) Congress commends the creators, promoters, and signatories of the Birmingham Pledge for the steps they are taking to make the United States and the world a better place for all people; and

(3) it is the sense of Congress that a particular week should be designated as ''National Birmingham Pledge Week.''.

AMENDMENT NO. 4347

Strike the preamble and insert the following:

Whereas Birmingham, Alabama, was the scene of racial strife in the United States in the 1950s and 1960s;

Whereas since the 1960s, the people of Birmingham have made substantial progress toward racial equality, which has improved the quality of life for all its citizens and led to economic prosperity;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950s and 1960s, a present-day grassroots movement has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas that grassroots movement has found expression in the Birmingham Pledge, which was authored by Birmingham attorney James E. Rotch, is sponsored by the Community Affairs Committee of Operation New Birmingham, and is promoted by a broad cross section of the community of Birmingham;

Whereas the Birmingham Pledge reads as follows:

''I believe that every person has worth as an individual.

''I believe that every person is entitled to dignity and respect, regardless of race or color.

''I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

''Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

''I will discourage racial prejudice by others at every opportunity.

''I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.'';

Whereas commitment and adherence to the Birmingham Pledge increases racial harmony by helping individuals communicate in a positive way concerning the diversity of the people of the United States and by encouraging people to make a commitment to racial harmony;

Whereas individuals who sign the Birmingham Pledge give evidence of their commitment to its message;

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of Congress, Governors, State legislators, mayors, county commissioners, city council members, and other persons around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute, Birmingham, Alabama, as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is ''Sign It, Live It'', is a powerful tool for facilitating dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

AMERICAN MUSEUM OF SCIENCE AND ENERGY LEGISLATION

MURKOWSKI (AND OTHERS) AMENDMENT NO. 4348

Mr. BROWNBACK (for Mr. MURKOWSKI (for himself, Mr. FRIST, and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 4940) to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the ''American Museum of Science and Energy,'' and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

''SECTION 1. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.

''(a) IN GENERAL.—The Museum—

''(1) is designated as the ''American Museum of Science and Energy''; and

''(2) shall be the official museum of science and energy of the United States.

''(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Museum is deemed to be a reference to the 'American Museum of Science and Energy'.

''(c) PROPERTY OF THE UNITED STATES.—

''(1) IN GENERAL.—The name American Museum of Science and Energy is declared the property of the United States.

''(2) USE.—The Museum shall have the sole right throughout the United States and its possessions to have and use the name 'American Museum of Science and Energy'.

''(3) EFFECT ON OTHER RIGHTS.—This subsection shall not be construed to conflict or interfere with established or vested rights.

''SEC. 2. AUTHORITY.

''To carry out the activities of the Museum, the Secretary may—

''(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

''(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

''(B) determined by the Secretary to be suitable and beneficial for use by the Museum;

''(2) operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items (including mementos, food, educational materials, replicas, and literature) that are—

''(A) relevant to the contents of the Museum; and

''(B) informative, educational, and tasteful;

''(3) collect reasonable fees where feasible and appropriate;

''(4) exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place;

''(5) consistent with guidelines approved by the Secretary, lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines; and

''(6) use the proceeds of activities authorized under this section to pay the costs of the Museum.

''SEC. 3. MUSEUM VOLUNTEERS.

''(a) AUTHORITY TO USE VOLUNTEERS.—The Secretary may recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.

''(b) STATUS OF VOLUNTEERS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), service by a volunteer under subsection (a) shall not be considered Federal employment.

''(2) EXCEPTIONS.—

''(A) FEDERAL TORT CLAIMS ACT.—For purposes of chapter 171 of title 28, United States Code, a volunteer under subsection (a) shall be treated as an employee of the government (as defined in section 2671 of that title).

''(B) COMPENSATION FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States Code, a volunteer described in subsection (a) shall be treated as an employee (as defined in section 8101 of title 5, United States Code).

''(c) COMPENSATION.—A volunteer under subsection (a) shall serve without pay, but may receive nominal awards and reimbursement for incidental expenses, including expenses for a uniform or transportation in furtherance of Museum activities.

''SEC. 4. DEFINITIONS.

''For purposes of this Act:

''(1) MUSEUM.—The term 'Museum' means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Energy or a designated representative of the Secretary.''.

HEALTH CARE FAIRNESS ACT OF 1999

FRIST (AND OTHERS) AMENDMENT NO. 4349

Mr. BROWNBACK (for Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. DEWINE, Ms. MIKULSKI, Mr. ENZI, Mr. WELLSTONE, Mr. HUTCHINSON, Mrs. MURRAY, Ms. COLLINS, Mr. AKAKA, Mr. BOND, Mr. LAUTENBERG, Mr. HATCH, Mr. CLELAND, and Mr. SESSIONS)) proposed an amendment to the bill (S. 1880) to amend the Public Health Service Act to improve the health of minority individuals; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Minority Health and Health Disparities Research and Education Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—IMPROVING MINORITY HEALTH AND REDUCING HEALTH DISPARITIES THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER
Sec. 101. Establishment of National Center on Minority Health and Health Disparities.
Sec. 102. Centers of excellence for research education and training.
Sec. 103. Extramural loan repayment program for minority health disparities research.
Sec. 104. General provisions regarding the Center.
Sec. 105. Report regarding resources of National Institutes of Health dedicated to minority and other health disparities research.
TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY
Sec. 201. Health disparities research by Agency for Healthcare Research and Quality.
TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY
Sec. 301. Study and report by National Academy of Sciences.
TITLE IV—HEALTH PROFESSIONS EDUCATION
Sec. 401. Health professions education in health disparities.
Sec. 402. National conference on health professions education and health disparities.
Sec. 403. Advisory responsibilities in health professions education in health disparities and cultural competency.
TITLE V—PUBLIC AWARENESS AND DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES
Sec. 501. Public awareness and information dissemination.
TITLE VI—MISCELLANEOUS PROVISIONS
Sec. 601. Departmental definition regarding minority individuals.
Sec. 602. Conforming provision regarding definitions.
Sec. 603. Effective date.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Despite notable progress in the overall health of the Nation, there are continuing disparities in the burden of illness and death experienced by African Americans, Hispanics, Native Americans, Alaska Natives, and Asian Pacific Islanders, compared to the United States population as a whole.

(2) The largest numbers of the medically underserved are white individuals, and many of them have the same health care access problems as do members of minority groups. Nearly 20,000,000 white individuals live below the poverty line with many living in nonmetropolitan, rural areas such as Appalachia, where the high percentage of counties designated as health professional shortage areas (47 percent) and the high rate of poverty contribute to disparity outcomes. However, there is a higher proportion of racial and ethnic minorities in the United States represented among the medically underserved.

(3) There is a national need for minority scientists in the fields of biomedical, clinical, behavioral, and health services research. Ninety percent of minority physicians educated at Historically Black Medical Colleges live and serve in minority communities.

(4) Demographic trends inspire concern about the Nation's ability to meet its future scientific, technological and engineering workforce needs. Historically, non-Hispanic white males have made up the majority of the United States scientific, technological, and engineering workers.

(5) The Hispanic and Black population will increase significantly in the next 50 years. The scientific, technological, and engineering workforce may decrease if participation by underepresented minorities remains the same.

(6) Increasing rates of Black and Hispanic workers can help ensure strong scientific, technological, and engineering workforce.

(7) Individuals such as underepresented minorities and women in the scientific, technological, and engineering workforce enable society to address its diverse needs.

(8) If there had not been a substantial increase in the number of science and engineering degrees awarded to women and underepresented minorities over the past few decades, the United States would be facing even greater shortages in scientific, technological, and engineering workers.

(9) In order to effectively promote a diverse and strong 21st Century scientific, technological, and engineering workforce, Federal agencies should expand or add programs that effectively overcome barriers such as educational transition from one level to the next and student requirements for financial resources.

(10) Federal agencies should work in concert with the private nonprofit sector to emphasize the recruitment and retention of qualified individuals from ethnic and gender groups that are currently underrepresented in the scientific, technological, and engineering workforce.

(11) Behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access,patient attitudes toward health services, and risk and protective behaviors that affect health and illness. These factors have the potential to then be modified to help close the health disparities gap among ethnic minority populations. In addition, there is a shortage of minority behavioral science researchers and behavioral health care professionals. According to the National Science Foundation, only 15.5 percent of behavioral research-oriented psychology doctorate degrees were awarded to minority students in 1997. In addition, only 17.9 percent of practice-oriented psychology doctorate degrees were awarded to ethnic minorities.

TITLE I—IMPROVING MINORITY HEALTH AND REDUCING HEALTH DISPARITIES THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER

SEC. 101. ESTABLISHMENT OF NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES.

(a) IN GENERAL.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following subpart:

''Subpart 6—National Center on Minority Health and Health Disparities

''SEC. 485E. PURPOSE OF CENTER.

''(a) IN GENERAL.—The general purpose of the National Center on Minority Health and Health Disparities (in this subpart referred to as the 'Center') is the conduct and support of research, training, dissemination of information, and other programs with respect to minority health conditions and other populations with health disparities.

''(b) PRIORITIES.—The Director of the Center shall in expending amounts appropriated under this subpart give priority to conducting and supporting minority health disparities research.

''(c) MINORITY HEALTH DISPARITIES RESEARCH.—For purposes of this subpart:

''(1) The term 'minority health disparities research' means basic, clinical, and behavioral research on minority health conditions (as defined in paragraph (2)), including research to prevent, diagnose, and treat such conditions.

''(2) The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health and substance abuse)—

''(A) unique to, more serious, or more prevalent in such individuals;

''(B) for which the factors of medical risk or types of medical intervention may be different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

''(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

''(3) The term 'minority group' has the meaning given the term 'racial and ethnic minority group' in section 1707.

''(4) The terms 'minority' and 'minorities' refer to individuals from a minority group.

''(d) HEALTH DISPARITY POPULATIONS.—For purposes of this subpart:

''(1) A population is a health disparity population if, as determined by the Director of the Center after consultation with the Director of the Agency for Healthcare Research and Quality, there is a significant disparity in the overall rate of disease incidence, prevalence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population.

''(2) The Director shall give priority consideration to determining whether minority groups qualify as health disparity populations under paragraph (1).

''(3) The term 'health disparities research' means basic, clinical, and behavioral research on health disparity populations (including individual members and communities of such populations) that relates to health disparities as defined under paragraph (1), including the causes of such disparities and methods to prevent, diagnose, and treat such disparities.

''(e) COORDINATION OF ACTIVITIES.—The Director of the Center shall act as the primary

Federal official with responsibility for coordinating all minority health disparities research and other health disparities research conducted or supported by the National Institutes of Health, and—

''(1) shall represent the health disparities research program of the National Institutes of Health, including the minority health disparities research program, at all relevant Executive branch task forces, committees and planning activities; and

''(2) shall maintain communications with all relevant Public Health Service agencies, including the Indian Health Service, and various other departments of the Federal Government to ensure the timely transmission of information concerning advances in minority health disparities research and other health disparities research between these various agencies for dissemination to affected communities and health care providers.

''(f) COLLABORATIVE COMPREHENSIVE PLAN AND BUDGET.—

''(1) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of NIH, the Director of the Center, and the directors of the other agencies of the National Institutes of Health in collaboration (and in consultation with the advisory council for the Center) shall—

''(A) establish a comprehensive plan and budget for the conduct and support of all minority health disparities research and other health disparities research activities of the agencies of the National Institutes of Health (which plan and budget shall be first established under this subsection not later than 12 months after the date of the enactment of this subpart);

''(B) ensure that the plan and budget establish priorities among the health disparities research activities that such agencies are authorized to carry out;

''(C) ensure that the plan and budget establish objectives regarding such activities, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

''(D) ensure that, with respect to amounts appropriated for activities of the Center, the plan and budget give priority in the expenditure of funds to conducting and supporting minority health disparities research;

''(E) ensure that all amounts appropriated for such activities are expended in accordance with the plan and budget;

''(F) review the plan and budget not less than annually, and revise the plan and budget as appropriate;

''(G) ensure that the plan and budget serve as a broad, binding statement of policies regarding minority health disparities research and other health disparities research activities of the agencies, but do not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the plan and budget; and

''(H) promote coordination and collaboration among the agencies conducting or supporting minority health or other health disparities research.

''(2) CERTAIN COMPONENTS OF PLAN AND BUDGET.—With respect to health disparities research activities of the agencies of the National Institutes of Health, the Director of the Center shall ensure that the plan and budget under paragraph (1) provide for—

''(A) basic research and applied research, including research and development with respect to products;

''(B) research that is conducted by the agencies;

''(C) research that is supported by the agencies;

''(D) proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

''(E) behavioral research and social sciences research, which may include cultural and linguistic research in each of the agencies.

''(3) MINORITY HEALTH DISPARITIES RESEARCH.—The plan and budget under paragraph (1) shall include a separate statement of the plan and budget for minority health disparities research.

''(g) PARTICIPATION IN CLINICAL RESEARCH.—The Director of the Center shall work with the Director of NIH and the directors of the agencies of the National Institutes of Health to carry out the provisions of section 492B that relate to minority groups.

''(h) RESEARCH ENDOWMENTS.—

''(1) IN GENERAL.—The Director of the Center may carry out a program to facilitate minority health disparities research and other health disparities research by providing for research endowments at centers of excellence under section 736.

''(2) ELIGIBILITY.—The Director of the Center may provide for a research endowment under paragraph (1) only if the institution involved meets the following conditions:

''(A) The institution does not have an endowment that is worth in excess of an amount equal to 50 percent of the national average of endowment funds at institutions that conduct similar biomedical research or training of health professionals.

''(B) The application of the institution under paragraph (1) regarding a research endowment has been recommended pursuant to technical and scientific peer review and has been approved by the advisory council under subsection (j).

''(i) CERTAIN ACTIVITIES.—In carrying out subsection (a), the Director of the Center—

''(1) shall assist the Director of the National Center for Research Resources in carrying out section 481(c)(3) and in committing resources for construction at Institutions of Emerging Excellence;

''(2) shall establish projects to promote cooperation among Federal agencies, State, local, tribal, and regional public health agencies, and private entities in health disparities research; and

''(3) may utilize information from previous health initiatives concerning minorities and other health disparity populations.

''(j) ADVISORY COUNCIL.—

''(1) IN GENERAL.—The Secretary shall, in accordance with section 406, establish an advisory council to advise, assist, consult with, and make recommendations to the Director of the Center on matters relating to the activities described in subsection (a), and with respect to such activities to carry out any other functions described in section 406 for advisory councils under such section. Functions under the preceding sentence shall include making recommendations on budgetary allocations made in the plan under subsection (f), and shall include reviewing reports under subsection (k) before the reports are submitted under such subsection.

''(2) MEMBERSHIP.—With respect to the membership of the advisory council under paragraph (1), a majority of the members shall be individuals with demonstrated expertise regarding minority health disparity and other health disparity issues; representatives of communities impacted by minority and other health disparities shall be included; and a diversity of health professionals shall be represented. The membership shall in addition include a representative of the Office of Behavioral and Social Sciences Research under section 404A.

''(k) ANNUAL REPORT.—The Director of the Center shall prepare an annual report on the activities carried out or to be carried out by the Center, and shall submit each such report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Commerce of the House of Representatives, the Secretary, and the Director of NIH. With respect to the fiscal year involved, the report shall—

''(1) describe and evaluate the progress made in health disparities research conducted or supported by the national research institutes;

''(2) summarize and analyze expenditures made for activities with respect to health disparities research conducted or supported by the National Institutes of Health;

''(3) include a separate statement applying the requirements of paragraphs (1) and (2) specifically to minority health disparities research; and

''(4) contain such recommendations as the Director considers appropriate.

''(l) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for the conduct and support of minority health disparities research or other health disparities research by the agencies of the National Institutes of Health.''.

(b) CONFORMING AMENDMENT.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)—

(A) in subparagraph (F), by moving the subparagraph two ems to the left; and

(B) by adding at the end the following subparagraph:

''(G) The National Center on Minority Health and Health Disparities.''; and

(2) by striking section 404.

SEC. 102. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

Subpart 6 of part E of title IV of the Public Health Service Act, as added by section 101(a) of this Act, is amended by adding at the end the following section:

''SEC. 485F. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

''(a) IN GENERAL.—The Director of the Center shall make awards of grants or contracts to designated biomedical and behavioral research institutions under paragraph (1) of subsection (c), or to consortia under paragraph (2) of such subsection, for the purpose of assisting the institutions in supporting programs of excellence in biomedical and behavioral research training for individuals who are members of minority health disparity populations or other health disparity populations.

''(b) REQUIRED USE OF FUNDS.—An award may be made under subsection (a) only if the applicant involved agrees that the grant will be expended—

''(1) to train members of minority health disparity populations or other health disparity populations as professionals in the area of biomedical or behavioral research or both; or

''(2) to expand, remodel, renovate, or alter existing research facilities or construct new research facilities for the purpose of conducting minority health disparities research and other health disparities research.

''(c) CENTERS OF EXCELLENCE.—

''(1) IN GENERAL.—For purposes of this section, a designated biomedical and behavioral research institution is a biomedical and behavioral research institution that—

''(A) has a significant number of members of minority health disparity populations or other health disparity populations enrolled

as students in the institution (including individuals accepted for enrollment in the institution);

''(B) has been effective in assisting such students of the institution to complete the program of education or training and receive the degree involved;

''(C) has made significant efforts to recruit minority students to enroll in and graduate from the institution, which may include providing means-tested scholarships and other financial assistance as appropriate; and

''(D) has made significant recruitment efforts to increase the number of minority or other members of health disparity populations serving in faculty or administrative positions at the institution.

''(2) CONSORTIUM.—Any designated biomedical and behavioral research institution involved may, with other biomedical and behavioral institutions (designated or otherwise), including tribal health programs, form a consortium to receive an award under subsection (a).

''(3) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Director of the Center for purposes of determining whether institutions meet the conditions described in paragraph (1), this section may not, with respect to minority health disparity populations or other health disparity populations, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

''(d) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Director of the Center and to the availability of appropriations for the fiscal year involved to make the payments.

''(e) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—With respect to activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may not make such an award to a designated research institution or consortium for any fiscal year unless the institution, or institutions in the consortium, as the case may be, agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the institutions involved for the fiscal year preceding the fiscal year for which such institutions receive such an award.

''(2) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a designated research institution or consortium and available for carrying out activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may make such an award only if the institutions involved agree that the institutions will, before expending the award, expend the Federal amounts obtained from sources other than the award.

''(f) CERTAIN EXPENDITURES.—The Director of the Center may authorize a designated biomedical and behavioral research institution to expend a portion of an award under subsection (a) for research endowments.

''(g) DEFINITIONS.—For purposes of this section:

''(1) The term 'designated biomedical and behavioral research institution' has the meaning indicated for such term in subsection (c)(1). Such term includes any health professions school receiving an award of a grant or contract under section 736.

''(2) The term 'program of excellence' means any program carried out by a designated biomedical and behavioral research institution with an award under subsection (a), if the program is for purposes for which the institution involved is authorized in subsection (b) to expend the grant.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

SEC. 103. EXTRAMURAL LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 102 of this Act, is amended by adding at the end the following section:

''SEC. 485G. LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH.

''(a) IN GENERAL.—The Director of the Center shall establish a program of entering into contracts with qualified health professionals under which such health professionals agree to engage in minority health disparities research or other health disparities research in consideration of the Federal Government agreeing to repay, for each year of engaging in such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

''(b) SERVICE PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

''(c) REQUIREMENT REGARDING HEALTH DISPARITY POPULATIONS.—The Director of the Center shall ensure that not fewer than 50 percent of the contracts entered into under subsection (a) are for appropriately qualified health professionals who are members of a health disparity population.

''(d) PRIORITY.—With respect to minority health disparities research and other health disparities research under subsection (a), the Secretary shall ensure that priority is given to conducting projects of biomedical research.

''(e) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(2) AVAILABILITY OF APPROPRIATIONS.—Amounts available for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.''.

SEC. 104. GENERAL PROVISIONS REGARDING THE CENTER.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 103 of this Act, is amended by adding at the end the following section:

''SEC. 485H. GENERAL PROVISIONS REGARDING THE CENTER.

''(a) ADMINISTRATIVE SUPPORT FOR CENTER.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the Director of the Center and shall ensure that such support takes maximum advantage of existing administrative structures at the agencies of the National Institutes of Health.

''(b) EVALUATION AND REPORT.—

''(1) EVALUATION.—Not later than 5 years after the date of the enactment of this subpart, the Secretary shall conduct an evaluation to—

''(A) determine the effect of this subpart on the planning and coordination of health disparities research programs at the agencies of the National Institutes of Health;

''(B) evaluate the extent to which this subpart has eliminated the duplication of administrative resources among such Institutes, centers and divisions; and

''(C) provide, to the extent determined by the Secretary to be appropriate, recommendations concerning future legislative modifications with respect to this subpart, for both minority health disparities research and other health disparities research.

''(2) MINORITY HEALTH DISPARITIES RESEARCH.—The evaluation under paragraph (1) shall include a separate statement that applies subparagraphs (A) and (B) of such paragraph to minority health disparities research.

''(3) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Commerce of the House of Representatives, a report concerning the results of such evaluation.''.

SEC. 105. REPORT REGARDING RESOURCES OF NATIONAL INSTITUTES OF HEALTH DEDICATED TO MINORITY AND OTHER HEALTH DISPARITIES RESEARCH.

Not later than December 1, 2003, the Director of the National Center on Minority Health and Health Disparities (established by the amendment made by section 101(a)), after consultation with the advisory council for such Center, shall submit to the Congress, the Secretary of Health and Human Services, and the Director of the National Institutes of Health a report that provides the following:

(1) Recommendations for the methodology that should be used to determine the extent of the resources of the National Institutes of Health that are dedicated to minority health disparities research and other health disparities research, including determining the amount of funds that are used to conduct and support such research. With respect to such methodology, the report shall address any discrepancies between the methodology used by such Institutes as of the date of the enactment of this Act and the methodology used by the Institute of Medicine as of such date.

(2) A determination of whether and to what extent, relative to fiscal year 1999, there has been an increase in the level of resources of the National Institutes of Health that are dedicated to minority health disparities research, including the amount of funds used to conduct and support such research. The report shall include provisions describing whether and to what extent there have been increases in the number and amount of awards to minority serving institutions.

TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

SEC. 201. HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

(a) GENERAL.—Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 902, by striking subsection (g); and

(2) by adding at the end the following:

''SEC. 903. RESEARCH ON HEALTH DISPARITIES.

''(a) IN GENERAL.—The Director shall—

''(1) conduct and support research to identify populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to and satisfaction with such services, as compared to the general population;

''(2) conduct and support research on the causes of and barriers to reducing the health disparities identified in paragraph (1), taking into account such factors as socioeconomic

status, attitudes toward health, the language spoken, the extent of formal education, the area or community in which the population resides, and other factors the Director determines to be appropriate;

''(3) conduct and support research and support demonstration projects to identify, test, and evaluate strategies for reducing or eliminating health disparities, including development or identification of effective service delivery models, and disseminate effective strategies and models;

''(4) develop measures and tools for the assessment and improvement of the outcomes, quality, and appropriateness of health care services provided to health disparity populations;

''(5) in carrying out section 902(c), provide support to increase the number of researchers who are members of health disparity populations, and the health services research capacity of institutions that train such researchers; and

''(6) beginning with fiscal year 2003, annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.

''(b) RESEARCH AND DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Director shall conduct and support research and support demonstrations to—

''(A) identify the clinical, cultural, socioeconomic, geographic, and organizational factors that contribute to health disparities, including minority health disparity populations, which research shall include behavioral research, such as examination of patterns of clinical decisionmaking, and research on access, outreach, and the availability of related support services (such as cultural and linguistic services);

''(B) identify and evaluate clinical and organizational strategies to improve the quality, outcomes, and access to care for health disparity populations, including minority health disparity populations;

''(C) test such strategies and widely disseminate those strategies for which there is scientific evidence of effectiveness; and

''(D) determine the most effective approaches for disseminating research findings to health disparity populations, including minority populations.

''(2) USE OF CERTAIN STRATEGIES.—In carrying out this section, the Director shall implement research strategies and mechanisms that will enhance the involvement of individuals who are members of minority health disparity populations or other health disparity populations, health services researchers who are such individuals, institutions that train such individuals as researchers, members of minority health disparity populations or other health disparity populations for whom the Agency is attempting to improve the quality and outcomes of care, and representatives of appropriate tribal or other community-based organizations with respect to health disparity populations. Such research strategies and mechanisms may include the use of—

''(A) centers of excellence that can demonstrate, either individually or through consortia, a combination of multi-disciplinary expertise in outcomes or quality improvement research, linkages to relevant sites of care, and a demonstrated capacity to involve members and communities of health disparity populations, including minority health disparity populations, in the planning, conduct, dissemination, and translation of research;

''(B) provider-based research networks, including health plans, facilities, or delivery system sites of care (especially primary care), that make extensive use of health care providers who are members of health disparity populations or who serve patients in such populations and have the capacity to evaluate and promote quality improvement;

''(C) service delivery models (such as health centers under section 330 and the Indian Health Service) to reduce health disparities; and

''(D) innovative mechanisms or strategies that will facilitate the translation of past research investments into clinical practices that can reasonably be expected to benefit these populations.

''(c) QUALITY MEASUREMENT DEVELOPMENT.—

''(1) IN GENERAL.—To ensure that health disparity populations, including minority health disparity populations, benefit from the progress made in the ability of individuals to measure the quality of health care delivery, the Director shall support the development of quality of health care measures that assess the experience of such populations with health care systems, such as measures that assess the access of such populations to health care, the cultural competence of the care provided, the quality of the care provided, the outcomes of care, or other aspects of health care practice that the Director determines to be important.

''(2) EXAMINATION OF CERTAIN PRACTICES.—The Director shall examine the practices of providers that have a record of reducing health disparities or have experience in providing culturally competent health services to minority health disparity populations or other health disparity populations. In examining such practices of providers funded under the authorities of this Act, the Director shall consult with the heads of the relevant agencies of the Public Health Service.

''(3) REPORT.—Not later than 36 months after the date of the enactment of this section, the Secretary, acting through the Director, shall prepare and submit to the appropriate committees of Congress a report describing the state-of-the-art of quality measurement for minority and other health disparity populations that will identify critical unmet needs, the current activities of the Department to address those needs, and a description of related activities in the private sector.

''(d) DEFINITION.—For purposes of this section:

''(1) The term 'health disparity population' has the meaning given such term in section 485E, except that in addition to the meaning so given, the Director may determine that such term includes populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to or satisfaction with such services as compared to the general population.

''(2) The term 'minority', with respect to populations, refers to racial and ethnic minority groups as defined in section 1707.''.

(b) FUNDING.—Section 927 of the Public Health Service Act (42 U.S.C. 299c–6) is amended by adding at the end the following:

''(d) HEALTH DISPARITIES RESEARCH.—For the purpose of carrying out the activities under section 903, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.''.

TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY

SEC. 301. STUDY AND REPORT BY NATIONAL ACADEMY OF SCIENCES.

(a) STUDY.—The National Academy of Sciences shall conduct a comprehensive study of the Department of Health and Human Services' data collection systems and practices, and any data collection or reporting systems required under any of the programs or activities of the Department, relating to the collection of data on race or ethnicity, including other Federal data collection systems (such as the Social Security Administration) with which the Department interacts to collect relevant data on race and ethnicity.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report that—

(1) identifies the data needed to support efforts to evaluate the effects of socioeconomic status, race and ethnicity on access to health care and other services and on disparity in health and other social outcomes and the data needed to enforce existing protections for equal access to health care;

(2) examines the effectiveness of the systems and practices of the Department of Health and Human Services described in subsection (a), including pilot and demonstration projects of the Department, and the effectiveness of selected systems and practices of other Federal, State, and tribal agencies and the private sector, in collecting and analyzing such data;

(3) contains recommendations for ensuring that the Department of Health and Human Services, in administering its entire array of programs and activities, collects, or causes to be collected, reliable and complete information relating to race and ethnicity; and

(4) includes projections about the costs associated with the implementation of the recommendations described in paragraph (3), and the possible effects of the costs on program operations.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001.

TITLE IV—HEALTH PROFESSIONS EDUCATION

SEC. 401. HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by inserting after section 740 the following:

''SEC. 741. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

''(a) GRANTS FOR HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to public and nonprofit private entities (including tribal entities) for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education of health professionals for the reduction of disparities in health care outcomes and the provision of culturally competent health care.

''(2) ELIGIBLE ENTITIES.—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this section from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities (or consortia of entities, including entities promoting multidisciplinary approaches) for funding and participation in health professions training activities. The Secretary may accept applications from for-profit private

entities as determined appropriate by the Secretary.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a), $3,500,000 for fiscal year 2001, $7,000,000 for fiscal year 2002, $7,000,000 for fiscal year 2003, and $3,500,000 for fiscal year 2004.''.

(b) NURSING EDUCATION.—Part A of title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

(1) by redesignating section 807 as section 808; and

(2) by inserting after section 806 the following:

''SEC. 807. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

''(a) GRANTS FOR HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to eligible entities for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education for the reduction of disparities in health care outcomes and the provision of culturally competent health care. Grants under this section shall be the same as provided in section 741.''.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are to be appropriated to carry out subsection (a) such sums as may be necessary for each of the fiscal years 2001 through 2004.''.

SEC. 402. NATIONAL CONFERENCE ON HEALTH PROFESSIONS EDUCATION AND HEALTH DISPARITIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the Administrator of the Health Resources and Services Administration, shall convene a national conference on health professions education as a method for reducing disparities in health outcomes.

(b) PARTICIPANTS.—The Secretary shall include in the national conference convened under subsection (a) advocacy groups and educational entities as described in section 741 of the Public Health Service Act (as added by section 401), tribal health programs, health centers under section 330 of such Act, and other interested parties.

(c) ISSUES.—The national conference convened under subsection (a) shall include, but is not limited to, issues that address the role and impact of health professions education on the reduction of disparities in health outcomes, including the role of education on cultural competency. The conference shall focus on methods to achieve reductions in disparities in health outcomes through health professions education (including continuing education programs) and strategies for outcomes measurement to assess the effectiveness of education in reducing disparities.

(d) PUBLICATION OF FINDINGS.—Not later than 6 months after the national conference under subsection (a) has convened, the Secretary shall publish in the Federal Register a summary of the proceedings and findings of the conference.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 403. ADVISORY RESPONSIBILITIES IN HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.

Section 1707 of the Public Health Service Act (42 U.S.C. 300u-6) is amended—

(1) in subsection (b), by adding at the end the following paragraph:

''(10) Advise in matters related to the development, implementation, and evaluation of health professions education in decreasing disparities in health care outcomes, including cultural competency as a method of eliminating health disparities.'';

(2) in subsection (c)(2), by striking ''paragraphs (1) through (9)'' and inserting ''paragraphs (1) through (10)''; and

(3) in subsection (d), by amending paragraph (1) to read as follows:

''(1) RECOMMENDATIONS REGARDING LANGUAGE.—

''(A) PROFICIENCY IN SPEAKING ENGLISH.—The Deputy Assistant Secretary shall consult with the Director of the Office of International and Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

''(B) HEALTH PROFESSIONS EDUCATION REGARDING HEALTH DISPARITIES.—The Deputy Assistant Secretary shall carry out the duties under subsection (b)(10) in collaboration with appropriate personnel of the Department of Health of Human Services, other Federal agencies, and other offices, centers, and institutions, as appropriate, that have responsibilities under the Minority Health and Health Disparities Research and Education Act of 2000.''.

TITLE V—PUBLIC AWARENESS AND DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES

SEC. 501. PUBLIC AWARENESS AND INFORMATION DISSEMINATION.

(a) PUBLIC AWARENESS ON HEALTH DISPARITIES.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a national campaign to inform the public and health care professionals about health disparities in minority and other underserved populations by disseminating information and materials available on specific diseases affecting these populations and programs and activities to address these disparities. The campaign shall—

(1) have a specific focus on minority and other underserved communities with health disparities; and

(2) include an evaluation component to assess the impact of the national campaign in raising awareness of health disparities and information on available resources.

(b) DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES.—The Secretary shall develop and implement a plan for the dissemination of information and findings with respect to health disparities under titles I, II, III, and IV of this Act. The plan shall—

(1) include the participation of all agencies of the Department of Health and Human Services that are responsible for serving populations included in the health disparities research; and

(2) have agency-specific strategies for disseminating relevant findings and information on health disparities and improving health care services to affected communities.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. DEPARTMENTAL DEFINITION REGARDING MINORITY INDIVIDUALS.

Section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) by striking ''Asian Americans and'' and inserting ''Asian Americans;''; and

(2) by inserting ''Native Hawaiians and other'' before ''Pacific Islanders;''.

SEC. 602. CONFORMING PROVISION REGARDING DEFINITIONS.

For purposes of this Act, the term ''racial and ethnic minority group'' has the meaning given such term in section 1707 of the Public Health Service Act.

SEC. 603. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that David Bowen, a fellow on the committee, be granted privileges of the floor for the remainder of the session.

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

Mr. REID. Mr. President, I ask unanimous consent that a fellow from the office of Senator JOHNSON, Bryan Kaatz, be allowed floor privileges during the remainder of this day.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that floor privileges be granted to Jerry Pannullo, John Sparrow, Valerie Mark, and Ben Gann of the Finance Committee staff until the end of the session. I make that request on behalf of Senator MOYNIHAN.

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

TARIFF SUSPENSION AND TRADE ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 4868.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4868) entitled ''An Act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes'', with the following House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tariff Suspension and Trade Act of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. HIV/AIDS drug.
Sec. 1102. HIV/AIDS drug.
Sec. 1103. Triacetoneamine.
Sec. 1104. Instant print film in rolls.
Sec. 1105. Color instant print film.
Sec. 1106. Mixtures of sennosides and mixtures of sennosides and their salts.
Sec. 1107. Cibacron red LS–B HC.
Sec. 1108. Cibacron brilliant blue FN–G.

Sec. 1109. Cibacron scarlet LS–2G HC.
Sec. 1110. MUB 738 INT.
Sec. 1111. Fenbuconazole.
Sec. 1112. 2,6-Dichlorotoluene.
Sec. 1113. 3-Amino-3-methyl-1-pentyne.
Sec. 1114. Triazamate.
Sec. 1115. Methoxyfenozide.
Sec. 1116. 1-Fluoro-2-nitrobenzene.
Sec. 1117. PHBA.
Sec. 1118. THQ (toluhydroquinone).
Sec. 1119. 2,4-Dicumylphenol.
Sec. 1120. Certain cathode-ray tubes.
Sec. 1121. Other cathode-ray tubes.
Sec. 1122. Certain raw cotton.
Sec. 1123. Rhinovirus drug.
Sec. 1124. Butralin.
Sec. 1125. Branched dodecylbenzene.
Sec. 1126. Certain fluorinated compound.
Sec. 1127. Certain light absorbing photo dye.
Sec. 1128. Filter Blue Green photo dye.
Sec. 1129. Certain light absorbing photo dyes.
Sec. 1130. 4,4′-Difluorobenzophenone.
Sec. 1131. A fluorinated compound.
Sec. 1132. DiTMP.
Sec. 1133. HPA.
Sec. 1134. APE.
Sec. 1135. TMPDE.
Sec. 1136. TMPME.
Sec. 1137. Tungsten concentrates.
Sec. 1138. 2 Chloro Amino Toluene.
Sec. 1139. Certain ion-exchange resins.
Sec. 1140. 11-Aminoundecanoic acid.
Sec. 1141. Dimethoxy butanone (DMB).
Sec. 1142. Dichloro aniline (DCA).
Sec. 1143. Diphenyl sulfide.
Sec. 1144. Trifluralin.
Sec. 1145. Diethyl imidazolidinone (DMI).
Sec. 1146. Ethalfluralin.
Sec. 1147. Benfluralin.
Sec. 1148. 3-Amino-5-mercapto-1,2,4-triazole (AMT).
Sec. 1149. Diethyl phosphorochlorodothioate (DEPCT).
Sec. 1150. Refined quinoline.
Sec. 1151. DMDS.
Sec. 1152. Vision inspection systems.
Sec. 1153. Anode presses.
Sec. 1154. Trim and form machines.
Sec. 1155. Certain assembly machines.
Sec. 1156. Thionyl chloride.
Sec. 1157. Phenylmethyl hydrazinecarboxylate.
Sec. 1158. Tralkoxydim formulated.
Sec. 1159. KN002.
Sec. 1160. KL084.
Sec. 1161. IN–N5297.
Sec. 1162. Azoxystrobin formulated.
Sec. 1163. Fungaflor 500 EC.
Sec. 1164. Norbloc 7966.
Sec. 1165. Imazalil.
Sec. 1166. 1,5-Dichloroanthraquinone.
Sec. 1167. Ultraviolet dye.
Sec. 1168. Vinclozolin.
Sec. 1169. Tepraloxydim.
Sec. 1170. Pyridaben.
Sec. 1171. 2-Acetylnicotinic acid.
Sec. 1172. SAMe.
Sec. 1173. Procion crimson H-EXL.
Sec. 1174. Dispersol crimson SF grains.
Sec. 1175. Procion navy H-EXL.
Sec. 1176. Procion yellow H-EXL.
Sec. 1177. 2-Phenylphenol.
Sec. 1178. 2-Methoxy-1-propene.
Sec. 1179. 3,5-Difluoroaniline.
Sec. 1180. Quinclorac.
Sec. 1181. Dispersol black XF grains.
Sec. 1182. Fluroxypyr, 1-methylheptyl ester (FME).
Sec. 1183. Solsperse 17260.
Sec. 1184. Solsperse 17000.
Sec. 1185. Solsperse 5000.
Sec. 1186. Certain TAED chemicals.
Sec. 1187. Isobornyl acetate.
Sec. 1188. Solvent blue 124.
Sec. 1189. Solvent blue 104.
Sec. 1190. Pro-jet magenta 364 stage.
Sec. 1191. 4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide.
Sec. 1192. Undecylenic acid.
Sec. 1193. 2-Methyl-4-chlorophenoxyacetic acid.
Sec. 1194. Iminodisuccinate.
Sec. 1195. Iminodisuccinate salts and aqueous solutions.
Sec. 1196. Poly(vinyl chloride) (PVC) self-adhesive sheets.
Sec. 1197. 2-Butyl-2-ethylpropanediol.
Sec. 1198. Cyclohexadec-8-en-1-one.
Sec. 1199. Paint additive chemical.
Sec. 1200. o-Cumyl-octylphenol.
Sec. 1201. Certain polyamides.
Sec. 1202. Mesamoll.
Sec. 1203. Vulkalent E/C.
Sec. 1204. Baytron M.
Sec. 1205. Baytron C–R.
Sec. 1206. Baytron P.
Sec. 1207. Molds for use in certain DVDs.
Sec. 1208. KN001 (a hydrochloride).
Sec. 1209. Certain compound optical microscopes.
Sec. 1210. DPC 083.
Sec. 1211. DPC 961.
Sec. 1212. Petroleum sulfonic acids, sodium salts.
Sec. 1213. Pro-jet cyan 1 press paste.
Sec. 1214. Pro-jet black ALC powder.
Sec. 1215. Pro-jet fast yellow 2 RO feed.
Sec. 1216. Solvent yellow 145.
Sec. 1217. Pro-jet fast magenta 2 RO feed.
Sec. 1218. Pro-jet fast cyan 2 stage.
Sec. 1219. Pro-jet cyan 485 stage.
Sec. 1220. Triflusulfuron methyl formulated product.
Sec. 1221. Pro-jet fast cyan 3 stage.
Sec. 1222. Pro-jet cyan 1 RO feed.
Sec. 1223. Pro-jet fast black 287 NA paste/liquid feed.
Sec. 1224. 4-(cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid ethyl ester.
Sec. 1225. 4′′-epimethylamino-4′′-deoxyavermectin B_{1a} and B_{1b} benzoates.
Sec. 1226. Formulations containing 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester.
Sec. 1227. Mixtures of 2-(2-chloroethoxy) - N - [[4-methoxy-6-methyl - 1,3,5 - triazin - 2-yl) - mino]carbonyl-benzenesulfonamide] and 3,6-dichloro - 2 - methoxybenzoic acid.
Sec. 1228. (E,E)-α-(methoxyimino) - 2 - [[[[1-[3-(trifluoro- methyl)phenyl]-ethylidene]amino] oxy]methyl]benzeneacetic acid, methyl ester.
Sec. 1229. Formulations containing sulfur.
Sec. 1230. Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin - 2 - yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea.
Sec. 1231. Mixtures of 4-cyclopropyl-6-methyl - N - phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
Sec. 1232. (R)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester.
Sec. 1233. Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester.
Sec. 1234. Benzothialdiazole-7-carbothioic acid, S-methyl ester.
Sec. 1235. O-(4-bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate.
Sec. 1236. 1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole.
Sec. 1237. Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4H-1,3,5-oxadiazin-4-imine.
Sec. 1238. 1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea.
Sec. 1239. 4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one.
Sec. 1240. 4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
Sec. 1241. Mixtures of 2-(((((4,6-dimethoxypyrimidin - 2 - yl)aminocarbonyl)) aminosulfonyl))-N,N - dimethyl-3-pyridine- carboxamide and application adjuvants.
Sec. 1242. Monochrome glass envelopes.
Sec. 1243. Ceramic coater.
Sec. 1244. Pro-jet black 263 stage.
Sec. 1245. Pro-jet fast black 286 paste.
Sec. 1246. Bromine-containing compounds.
Sec. 1247. Pyridinedicarboxylic acid.
Sec. 1248. Certain semiconductor mold compounds.
Sec. 1249. Solvent blue 67.
Sec. 1250. Pigment blue 60.
Sec. 1251. Menthyl anthranilate.
Sec. 1252. 4-Bromo-2-fluoroacetanilide.
Sec. 1253. Propiophenone.
Sec. 1254. m-chlorobenzaldehyde.
Sec. 1255. Ceramic knives.
Sec. 1256. Stainless steel railcar body shells.
Sec. 1257. Stainless steel railcar body shells of 148-passenger capacity.
Sec. 1258. Pendimethalin.
Sec. 1259. 3,5-Dibromo-4-hydoxybenzonitril ester and inerts.
Sec. 1260. 3,5-Dibromo-4-hydoxybenzonitril.
Sec. 1261. Isoxaflutole.
Sec. 1262. Cyclanilide technical.
Sec. 1263. R115777.
Sec. 1264. Bonding machines.
Sec. 1265. Glyoxylic acid.
Sec. 1266. Fluoride compounds.
Sec. 1267. Cobalt boron.
Sec. 1268. Certain steam or other vapor generating boilers used in nuclear facilities.
Sec. 1269. Fipronil technical.
Sec. 1270. KL540.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1301. Extension of certain existing duty suspensions and reductions.
Sec. 1302. Technical correction.
Sec. 1303. Effective date.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1401. Certain telephone systems.
Sec. 1402. Color television receiver entries.
Sec. 1403. Copper and brass sheet and strip.
Sec. 1404. Antifriction bearings.
Sec. 1405. Other antifriction bearings.
Sec. 1406. Printing cartridges.
Sec. 1407. Liquidation or reliquidation of certain entries of N,N-dicyclohexyl-2-benzothiazolesulfenamide.
Sec. 1408. Certain entries of tomato sauce preparation.
Sec. 1409. Certain tomato sauce preparation entered in 1990 through 1992.
Sec. 1410. Certain tomato sauce preparation entered in 1989 through 1995.
Sec. 1411. Certain tomato sauce preparation entered in 1989 and 1990.
Sec. 1412. Neoprene synchronous timing belts.
Sec. 1413. Reliquidation of drawback claim number R74–10343996.
Sec. 1414. Reliquidation of certain drawback claims filed in 1996.
Sec. 1415. Reliquidation of certain drawback claims relating to exports of merchandise from May 1993 to July 1993.
Sec. 1416. Reliquidation of certain drawback claims relating to exports claims filed between April 1994 and July 1994.
Sec. 1417. Reliquidation of certain drawback claims relating to juices.

Sec. 1418. Reliquidation of certain drawback claims filed in 1997.
Sec. 1419. Reliquidation of drawback claim number WJU1111031–7.
Sec. 1420. Liquidation or reliquidation of certain entries of athletic shoes.
Sec. 1421. Reliquidation of certain drawback claims relating to juices.
Sec. 1422. Drawback of finished petroleum derivatives.
Sec. 1423. Reliquidation of certain entries of self-tapping screws.
Sec. 1424. Reliquidation of certain entries of vacuum cleaners.
Sec. 1425. Liquidation or reliquidation of certain entries of conveyor chains.

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

Sec. 1431. Short title.
Sec. 1432. Findings; purpose.
Sec. 1433. Amendments to Harmonized Tariff Schedule of the United States.
Sec. 1434. Regulations relating to entry procedures and sales of prototypes.
Sec. 1435. Effective date.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

Sec. 1441. Short title.
Sec. 1442. Findings and purposes.
Sec. 1443. Prohibition on importation of products made with dog or cat fur.

CHAPTER 4—MISCELLANEOUS PROVISIONS

Sec. 1451. Alternative mid-point interest accounting methodology for underpayment of duties and fees.
Sec. 1452. Exception from making report of arrival and formal entry for certain vessels.
Sec. 1453. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.
Sec. 1454. International travel merchandise.
Sec. 1455. Change in rate of duty of goods returned to the United States by travelers.
Sec. 1456. Treatment of personal effects of participants in international athletic events.
Sec. 1457. Collection of fees for customs services for arrival of certain ferries.
Sec. 1458. Establishment of drawback based on commercial interchangeability for certain rubber vulcanization accelerators.
Sec. 1459. Cargo inspection.
Sec. 1460. Treatment of certain multiple entries of merchandise as single entry.
Sec. 1461. Report on customs procedures.
Sec. 1462. Drawbacks for recycled materials.
Sec. 1463. Preservation of certain reporting requirements.
Sec. 1464. Importation of gum arabic.
Sec. 1465. Customs services at the Detroit Metropolitan Airport.

Subtitle C—Effective Date

Sec. 1471. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Trade adjustment assistance for certain workers affected by environmental remediation or closure of a copper mining facility.
Sec. 2002. Chief Agricultural Negotiator.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

Sec. 3001. Findings.
Sec. 3002. Termination of application of title IV of the Trade Act of 1974 to Georgia.

TITLE IV—IMPORTED CIGARETTE COMPLIANCE

Sec. 4001. Short title.
Sec. 4002. Modifications to rules governing reimportation of tobacco products.
Sec. 4003. Technical amendment to the Balanced Budget Act of 1997.
Sec. 4004. Requirements applicable to imports of certain cigarettes.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.07.10	9902.29.89	9902.30.55
9902.08.07	9902.29.94	9902.30.57
9902.29.10	9902.29.99	9902.30.61
9902.29.14	9902.30.00	9902.30.62
9902.29.22	9902.30.05	9902.30.81
9902.29.25	9902.30.08	9902.30.82
9902.29.27	9902.30.11	9902.30.85
9902.29.30	9902.30.13	9902.30.88
9902.29.31	9902.30.14	9902.30.94
9902.29.33	9902.30.15	9902.30.95
9902.29.38	9902.30.21	9902.30.97
9902.29.39	9902.30.23	9902.31.05
9902.29.40	9902.30.25	9902.38.07
9902.29.41	9902.30.27	9902.39.08
9902.29.42	9902.30.30	9902.39.10
9902.29.47	9902.30.32	9902.44.21
9902.29.48	9902.30.34	9902.57.02
9902.29.49	9902.30.35	9902.62.01
9902.29.56	9902.30.36	9902.62.04
9902.29.59	9902.30.37	9902.64.02
9902.29.64	9902.30.39	9902.70.12
9902.29.70	9902.30.40	9902.70.13
9902.29.71	9902.30.42	9902.70.14
9902.29.73	9902.30.43	9902.70.15
9902.29.77	9902.30.46	9902.78.01
9902.29.78	9902.30.47	9902.84.47
9902.29.79	9902.30.48	9902.85.40
9902.29.80	9902.30.50	9902.85.44
9902.29.81	9902.30.51	9902.98.00
9902.29.83	9902.30.52	
9902.29.84		

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.98	[4R- [3(2S*,3S*), 4R*]]-3-[2-Hydroxy-3-[(3-hydroxy-2-methyl- benzoyl)amino]-1-oxo-4-phenylbutyl]-5,5-dimethyl-N-[(2-methylphenyl)-methyl]-4-thiazolidine-carboxamide (CAS No. 186538–00–1) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1102. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.99	5-[(3,5-Dichlorophenyl)-thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-1H-imidazole-2-methanol carbamate (CAS No. 178979–85–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1103. TRIACETONEAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.80	2,2,6,6-Tetramethyl-4-piperidine (CAS No. 826–36–8) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1104. INSTANT PRINT FILM IN ROLLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.37.02	Instant print film, in rolls (provided for in subheading 3702.20.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1105. COLOR INSTANT PRINT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.37.01	Instant print film of a kind used for color photography (provided for in subheading 3701.20.00)	2.8%	No change	No change	On or before 12/31/2003	".

SEC. 1106. MIXTURES OF SENNOSIDES AND MIXTURES OF SENNOSIDES AND THEIR SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.75	Mixtures of sennosides and mixtures of sennosides and their salts (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1107. CIBACRON RED LS–B HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.04	Reactive Red 270 (CAS No. 155522–05–7) (provided for in subheading 3204.16.30) ...	Free	No change	No change	On or before 12/31/2003	".

SEC. 1108. CIBACRON BRILLIANT BLUE FN–G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.88	6,13-Dichloro-3,10-bis[[2-[[4-fluoro-6-[(2-sulfonyl)amino]-1,3,5-triazin-2-yl]amino]propyl]amino]-4,11-triphenodioxazinedisulfonic acid lithium sodium salt (CAS No. 163062–28–0) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1109. CIBACRON SCARLET LS–2G HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.86	Reactive Red 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1110. MUB 738 INT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.91	2-Amino-4-(4-aminobenzoylamino)-benzenesulfonic acid (CAS No. 167614–37–1) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1111. FENBUCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.87	α-(2-(4-Chlorophenyl)ethyl-α-phenyl-1H-1,2,4-triazole-1-propanenitrile (Fenbuconazole) (CAS No. 114369–43–6) (provided for in subheading 2933.90.06)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1112. 2,6-DICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.82	2,6-Dichlorotoluene (CAS No. 118–69–4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1113. 3-AMINO-3-METHYL-1-PENTYNE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.84	3-Amino-3-methyl-1-pentyne (CAS No. 18369–96–5) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1114. TRIAZAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.89	Acetic acid, [[1-[(dimethylamino)carbonyl]-3-(1,1-dimethylethyl)-1H-1,2,4-triazol-5-yl]thio]-, ethyl ester (CAS No. 112143–82–5) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1115. METHOXYFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.93	Benzoic acid, 3-methoxy-2-methyl-,2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide (CAS No. 161050–58–4) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1116. 1-FLUORO-2-NITROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.04	1-Fluoro-2-nitrobenzene (CAS No. 001493–27–2) (provided for in subheading 2904.90.30)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1117. PHBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.03	p-Hydroxybenzoic acid (CAS No. 99–96–7) (provided for in subheading 2918.29.22)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1118. THQ (TOLUHYDROQUINONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.05	Toluhydroquinone, (CAS No. 95–71–6) (provided for in subheading 2907.29.90)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1119. 2,4-DICUMYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.19.80	2,4-Dicumylphenol (CAS No. 2772–45–4) (provided for in subheading 2907.19.20 or 2907.19.80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1120. CERTAIN CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.85.42	Cathode-ray data/graphic display tubes, color, with a less than 90 degree deflection (provided for in subheading 8540.60.00)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1121. OTHER CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.85.41	Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch smaller than 0.4 mm, and with a less than 90 degree deflection (provided for in subheading 8540.40.00)	1%	No change	No change	On or before 12/31/2003	’’.

SEC. 1122. CERTAIN RAW COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

‘‘	9902.52.01	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in general note 15 of the tariff schedule and entered pursuant to its provisions (provided for in subheading 5201.00.22)	Free	No change	No change	On or before 12/31/2003	
	9902.52.03	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in additional U.S. note 7 of chapter 52 and entered pursuant to its provisions (provided for in subheading 5201.00.34)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1123. RHINOVIRUS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.97	(2E,4S)-4-(((2R,5S)-2-((4-Fluorophenyl)-methyl)-6-methyl-5-(((5-methyl-3-isoxazolyl)-carbonyly) amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester (CAS No. 223537–30–2) (provided for in subheading 2934.90.39)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1124. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.00	N-sec-Butyl-4-tert-butyl-2,6-dinitroaniline (CAS No. 33629–47–9) or preparations thereof (provided for in subheading 2921.42.90 or 3808.31.15)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1125. BRANCHED DODECYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.01	Branched dodecylbenzenes (CAS No. 123–01–3) (provided for in subheading 2902.90.30)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1126. CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.96	(4-Fluorophenyl)-[3-[(4-fluorophenyl)-ethynyl]phenyl]methanone (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1127. CERTAIN LIGHT ABSORBING PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.55	4-Chloro-3-[4-[[4-(dimethylamino)phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-yl]benzenesulfonic acid, compound with pyridine (1:1) (CAS No. 160828–81–9) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1128. FILTER BLUE GREEN PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.62	Iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes (CAS No. 85187–44–6) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1129. CERTAIN LIGHT ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.34	4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, compound with N,N-diethylethanamine (1:1) (CAS No. 109940–17–2); 4-[3-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, sodium salt, compound with N,N-diethylethanamine (CAS No. 90066–12–9); 4-[4,5-dihydro-4-[[5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H- pyrazol-4-yl]methylene]-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, dipotassium salt (CAS No. 94266–02–1); 4-[4-[[4-(Dimethylamino)-phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-l-yl]benzenesulfonic acid, potassium salt (CAS No. 27268–31–1); 4,5-dihydro-5-oxo-4-[(phenylamino)methylene]-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt; and 4-[5-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazol-4-yl]-2,4- pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863–74–4) (all of the foregoing provided for in subheading 2933.19.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1130. 4,4′-DIFLUOROBENZOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.85	Bis(4-fluorophenyl)methanone (CAS No. 345–92–6) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1131. A FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.14	(4-Fluorophenyl)phenylmethanone (CAS No. 345–83–5) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1132. DITMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.10	Di-trimethylolpropane (CAS No. 23235–61–2 (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1133. HPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.09	Hydroxypivalic acid (CAS No. 4835–90–9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1134. APE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.15	Allyl pentaerythritol (CAS No. 1471–18–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1135. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.58	Trimethylolpropane, diallyl ether (CAS No. 682–09–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1136. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.59	Trimethylolpropane monoallyl ether (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1137. TUNGSTEN CONCENTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.26.11	Tungsten concentrates (provided for in subheading 2611.00.60)	Free	No Change	No change	On or before 12/31/2003	".

SEC. 1138. 2 CHLORO AMINO TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.62	2-Chloro-p-toluidine (CAS No. 95–74–9) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1139. CERTAIN ION-EXCHANGE RESINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.39.30	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, ethenylethylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353–60–5) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.31	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with 1,2,4-triethylenylcyclohexane, hydrolyzed (CAS No. 109961–42–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.32	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, hydrolyzed (CAS No. 135832–76–7) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1140. 11-AMINOUNDECANOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.49	11-Aminoundecanoic acid (CAS No. 2432–99–7) (provided for in subheading 2922.49.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1141. DIMETHOXY BUTANONE (DMB).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.16	4,4-Dimethoxy-2-butanone (CAS No. 5436–21–5) (provided for in subheading 2914.50.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1142. DICHLORO ANILINE (DCA).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.17	2,6-Dichloro aniline (CAS No. 608–31–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1143. DIPHENYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.06	Diphenyl sulfide (CAS No. 139–66–2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1144. TRIFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.02	α,α,α-Trifluoro-2,6-dinitro-p-toluidine (CAS No. 1582–09–8) (provided for in subheading 2921.43.15)	3.3%	No change	No change	On or before 12/31/2003	".

SEC. 1145. DIETHYL IMIDAZOLIDINONE (DMI).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.26	1,3-Diethyl-2-imidazolidinone (CAS No. 80–73–9) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1146. ETHALFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.30.49	N-Ethyl-N-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)- benzenamine (CAS No. 55283–68–6) (provided for in subheading 2921.43.80)	3.5%	No change	No change	On or before 12/31/2003	".

SEC. 1147. BENFLURALIN.

Subchapter II of chapter 99 is amended by striking heading 9902.29.59 and by inserting the following new heading:

"	9902.29.59	N-Butyl-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine (CAS No. 1861–40–1) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1148. 3-AMINO-5-MERCAPTO-1,2,4-TRIAZOLE (AMT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.08	3-Amino-5-mercapto-1,2,4-triazole (CAS No. 16691–43–3) (provided for in subheading 2933.90.97)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1149. DIETHYL PHOSPHOROCHLORODOTHIOATE (DEPCT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.58	O,O-Diethyl phosphorochlorodothioate (CAS No. 2524–04–1) (provided for in subheading 2920.10.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1150. REFINED QUINOLINE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.61	Quinoline (CAS No. 91–22–5) (provided for in subheading 2933.40.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1151. DMDS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.33.92	2,2-Dithiobis(8-fluoro-5-methoxy)-1,2,4- triazolo[1,5-c] pyrimidine (CAS No. 166524–74–9) (provided for in subheading 2933.59.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1152. VISION INSPECTION SYSTEMS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.90.20	Automated visual inspection systems of a kind used for physical inspection of capacitors (provided for in subheadings 9031.49.90 and 9031.80.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1153. ANODE PRESSES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.84.70	Presses for pressing tantalum powder into anodes (provided for in subheading 8462.99.80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1154. TRIM AND FORM MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.84.40	Trimming and forming machines used in the manufacture of surface mounted electronic components other than semiconductors prior to marking (provided for in subheadings 8462.21.80, 8462.29.80, and 8463.30.00)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1155. CERTAIN ASSEMBLY MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.84.30	Assembly machines for assembling anodes to lead frames (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1156. THIONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.28.01	Thionyl chloride (CAS No. 7719–09–7) (provided for in subheading 2812.10.50)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1157. PHENYLMETHYL HYDRAZINECARBOXYLATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.96	Phenylmethyl hydrazinecarboxylate (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1158. TRALKOXYDIM FORMULATED.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new headings:

‘‘	9902.06.62	2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) (provided for in subheading 2925.20.60)	Free	No change	No change	On or before 12/31/2001	
	9902.06.01	Mixtures of 2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	’’.

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—

(A) by striking ‘‘Free’’ each place it appears and inserting ‘‘1.1%’’; and

(B) by striking ‘‘On or before 12/31/2001’’ each place it appears and inserting ‘‘On or before 12/31/2002’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—

(A) by striking ‘‘1.1%’’ each place it appears and inserting ‘‘2.3%’’; and

(B) by striking ‘‘On or before 12/31/2002’’ each place it appears and inserting ‘‘On or before 12/31/2003’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1159. KN002.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.63	2-[2,4-Dichloro-5-hydroxyphenyl)-hydrazono]-1-piperidine-carboxylic acid, methyl ester (CAS No. 159393–46–1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1160. KL084.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.69	2-Imino-1-methoxycarbonyl-piperidine hydrochloride (CAS No. 159393–48–3) (provided for in subheading 2933.39.61)	5.4%	No change	No change	On or before 12/31/2000	’’.

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking ‘‘5.4%’’ and inserting ‘‘4.7%’’; and

(B) by striking ‘‘On or before 12/31/2000’’ and inserting ‘‘On or before 12/31/2001’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking ‘‘4.7%’’ and inserting ‘‘4.0%’’; and

(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(d) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking ‘‘4.0%’’ and inserting ‘‘3.3%’’; and

(B) by striking ‘‘On or before 12/31/2002’’ and inserting ‘‘On or before 12/31/2003’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1161. IN–N5297.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.35	2-(Methoxycarbonyl)- benzylsulfonamide (CAS No. 59777–72–9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1162. AZOXYSTROBIN FORMULATED.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.38.01	Methyl (E)-2-2[6-(2-cyanophenoxy)-pyrimidin-4-xloxy]phenyl-3-methoxyacrylate (CAS No. 131860–33–8) (provided for in subheading 3808.20.15)	5.7%	No change	No change	On or before 12/31/2003	’’.

SEC. 1163. FUNGAFLOR 500 EC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.09	Mixtures of enilconazole (CAS No. 35554–44–0 or 73790–28–0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1164. NORBLOC 7966.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.22	2-(2’-Hydroxy-5’- methacrylyloxyethylphenyl)-2H-benzotriazole (CAS No. 96478–09–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1165. IMAZALIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.10	Enilconazole (CAS No. 35554–44–0 or 73790–28–0) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1166. 1,5-DICHLOROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.14	1,5-Dichloroanthraquinone (CAS No. 82–46–2) (provided for in subheading 2914.70.40)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1167. ULTRAVIOLET DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.28.19	9-Anthracene-carboxylic acid, (triethoxysilyl)-methyl ester (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1168. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.20	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (CAS No. 50471–44–8) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1169. TEPRALOXYDIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.64	Mixtures of E-2-[1-[[(3-chloro-2-propenyl)oxy]-imino]propyl]-3-hydroxy-5-(tetrahydro-2H-pyran-4-yl)-2-cyclohexen-1-one (CAS No. 149979–41–9) and application adjuvants (provided for in subheading 3808.30.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1170. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.30	4-Chloro-2-(1,1-dimethylethyl)-5-(((4-(1,1-dimethylethyl)phenyl)-methyl)thio)-3-(2H)-pyridazinone (CAS No. 96489–71–3) (provided for in subheading 2933.90.22)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1171. 2-ACETYLNICOTINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.02	2-Acetylnicotinic acid (CAS No. 89942–59–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1172. SAME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.21.06	Food supplement preparation of S-adenosylmethionine 1,4-butanedisulfonate (CAS No. 101020–79–5) (provided for in subheading 2106.90.99)	5.5%	No change	No change	On or before 12/31/2003	’’.

SEC. 1173. PROCION CRIMSON H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.60	1,5-Naphthalene-disulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)-azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)amino)-methyl)phenyl)-amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)-azo)-, octa- (CAS No. 186554–26–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1174. DISPERSOL CRIMSON SF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.05	Mixture of 3-phenyl-7-(4-propoxyphenyl)benzo-(1,2-b:4,5-b’)-difuran-2,6-dione (CAS No. 79694–17–0); 4-(2,6-dihydro-2,6-dioxo)-7-phenylbenzo-(1,2-b:4,5-b’)-difuran-3-ylphenoxyacetic acid, 2-ethoxyethyl ester (CAS No. 126877–05–2); and 4-(2,6-dihydro-2,6-dioxo-7-(4-propoxphenyl)-benzo-(1,2-b:4,5-b’)-difuran-3-yl)-phenoxy)phenoxy)-acetic acid, 2-ethoxyethyl ester (CAS No. 126877–06–3) (the foregoing mixture provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1175. PROCION NAVY H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.50	Mixture of 2,7-naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[(2-methyl-4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-, hexasodium salt (CAS No. 186554–27–8); and 1,5-Naphthalenedisulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)-amino)methyl)-phenyl)amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo)-, octa- (CAS No. 186554–26–7) (the foregoing mixture provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1176. PROCION YELLOW H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.46	Reactive yellow 138:1 mixed with non-color dispersing agent, anti-dusting agent and water (CAS No. 72906–25–3) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1177. 2-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.25	2-Phenylphenol (CAS No. 90–43–7) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1178. 2-METHOXY-1-PROPENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.27	2-Methoxy-1-propene (CAS No. 116–11–0) (provided for in subheading 2909.19.18)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1179. 3,5-DIFLUOROANILINE.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.56	3,5-Difluoroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)	7.4%	No change	No change	On or before 12/31/2001	’’.

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking ‘‘7.4%’’ and inserting ‘‘6.7%’’; and

(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking ‘‘6.7%’’ and inserting ‘‘6.3%’’; and

(B) by striking ‘‘On or before 12/31/2002’’ and inserting ‘‘On or before 12/31/2003’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1180. QUINCLORAC.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.47	3,7-Dichloro-8-quinolinecarboxylic acid (CAS No. 84087–01–4) (provided for in subheading 2933.40.30)	6.8%	No change	No change	On or before 12/31/2001	’’.

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—

(A) by striking ‘‘6.8%’’ and inserting ‘‘5.9%’’; and

(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—

(A) by striking ‘‘5.9%’’ and inserting ‘‘5.4%’’; and

(B) by striking ‘‘On or before 12/31/2002’’ and inserting ‘‘On or before 12/31/2003’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1181. DISPERSOL BLACK XF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.81	Mixture of Disperse blue 284, Disperse brown 19 and Disperse red 311 with non-color dispersing agent (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1182. FLUROXYPYR, 1-METHYLHEPTYL ESTER (FME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.77	Fluoroxypyr, 1-methylheptyl ester (1-Methylheptyl ((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy)acetate) (CAS No. 81406–37–3) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1183. SOLSPERSE 17260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.29	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879–66–2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1184. SOLSPERSE 17000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.02	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1, 3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1185. SOLSPERSE 5000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.03	1-Octadecanaminium, N,N-dimethyl-N-octadecyl-, (Sp-4-2)-[29H,31H-phthalocyanine-2-sulfonato(3-)-N^{29},N^{30},N^{31},N^{32}]cuprate(1-) (CAS No. 70750–63–9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1186. CERTAIN TAED CHEMICALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.70	Tetraacetylethylenediamine (CAS Nos. 10543–57–4) (provided for in subheading 2924.10.10)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1187. ISOBORNYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.71	Isobornyl acetate (CAS No. 125–12–2) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1188. SOLVENT BLUE 124.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.73	Solvent blue 124 (CAS No. 29243–26–3) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1189. SOLVENT BLUE 104.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.72	Solvent blue 104 (CAS No. 116–75–6) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1190. PRO-JET MAGENTA 364 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.00	5-[4-(4,5-Dimethyl-2-sulfophenylamino)-6-hydroxy-[1,3,5-triazin-2-yl amino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naphthalene-2,7-disulfonic acid, sodium ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1191. 4-AMINO-2,5-DIMETHOXY-N-PHENYLBENZENE SULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.73	4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide (CAS No. 52298–44–9) (provided for in subheading 2935.00.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1192. UNDECYLENIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.78	10-Undecylenic acid (CAS No. 112–38–9) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1193. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.81	2-Methyl-4-chlorophenoxyacetic acid (CAS No. 94–74–6) and its 2-ethylhexyl ester (CAS No. 29450–45–1) (provided for in subheading 2918.90.20); and 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039–46–5) (provided for in subheading 2921.19.60)	2.6%	No change	No change	On or before 12/31/2003	".

SEC. 1194. IMINODISUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.83	Mixtures of sodium salts of iminodisuccinic acid (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1195. IMINODISUCCINATE SALTS AND AQUEOUS SOLUTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.10	Mixtures of sodium salts of iminodisuccinic acid, dissolved in water (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1196. POLY(VINYL CHLORIDE) (PVC) SELF-ADHESIVE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.01	Poly(vinyl chloride) (PVC) self-adhesive sheets, of a kind used to make bandages (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1197. 2-BUTYL-2-ETHYLPROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.84	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1198. CYCLOHEXADEC-8-EN-1-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.85	Cyclohexadec-8-en-1-one (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1199. PAINT ADDITIVE CHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.33	N-Cyclopropyl-N′-(1,1-dimethylethy)-6-(methylthio)-1,3,5-triazine-2,4-diamine (CAS No. 28159–98–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1200. o-CUMYL-OCTYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.86	o-Cumyl-octylphenol (CAS No. 73936–80–8) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1201. CERTAIN POLYAMIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.08	Micro-porous, ultrafine, spherical forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS No. 25038–54–4, 25038–74–8, and 25191–04–1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1202. MESAMOLL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.14	Mixture of phenyl esters of C_{10}–C_{18} alkylsulfonic acids (CAS No. 70775–94–9) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1203. VULKALENT E/C.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.31	Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil (provided for in 3824.90.28)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1204. BAYTRON M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.87	3,4-Ethylenedioxythiophene (CAS No. 126213–50–1) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1205. BAYTRON C–R.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.15	Aqueous catalytic preparations based on iron (III) toluenesulfonate (CAS No. 77214–82–5) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1206. BAYTRON P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.39.15	Aqueous dispersions of poly(3,4-ethylenedioxythiophene) poly-(styrenesulfonate) (cationic) (CAS No. 155090–83–8) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1207. MOLDS FOR USE IN CERTAIN DVDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.84.19	Molds for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8480.71.80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1208. KN001 (A HYDROCHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.88	2,4-Dichloro-5-hydrazinophenol monohydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1209. CERTAIN COMPOUND OPTICAL MICROSCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.98.07	Compound optical microscopes: whether or not stereoscopic and whether or not provided with a means for photographing the image; especially designed for semiconductor inspection; with full encapsulation of all moving parts above the stage; meeting ‘‘cleanroom class 1’’ criteria; having a horizontal distance between the optical axis and C-shape microscope stand of 8″ or more; and fitted with special microscope stages having a lateral movement range of 6″ or more in each direction and containing special sample holders for semiconductor wafers, devices, and masks (provided for in heading 9011.20.80)	Free	No Change	No change	On or before 12/31/2003	’’.

SEC. 1210. DPC 083.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.92	(S)-6-Chloro-3,4-dihydro-4E-cyclopropylethnyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287–99–7) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1211. DPC 961.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.20.05	(S)-6-Chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287–88–4) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1212. PETROLEUM SULFONIC ACIDS, SODIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.34.01	Petroleum sulfonic acids, sodium salts (CAS No. 68608–26–4) (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1213. PRO-JET CYAN 1 PRESS PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.20	Direct blue 199 acid (CAS No. 80146–12–9) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1214. PRO-JET BLACK ALC POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.23	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1215. PRO-JET FAST YELLOW 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.99	Direct yellow 173 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1216. SOLVENT YELLOW 145.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.30.46	Solvent yellow 145 (CAS No. 27425–55–4) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1217. PRO-JET FAST MAGENTA 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.24	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1218. PRO-JET FAST CYAN 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.17	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1219. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.25	[(2-Hydroxyethylsulfamoyl)-sulfophthalocyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1220. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.50	Methyl 2-[[[[[-4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1221. PRO-JET FAST CYAN 3 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.30.11	[29H,31H-Phthalocyaninato(2-) -xN29,xN30,xN31,xN32] copper,[[2-[4-(2-aminoethyl)-1-piperazinyl]-ethyl]amino]sulfonylamino-sulfonyl[(2-hydroxy-ethyl)amino]-sulfonyl [[2-[[2-(1-piperazinyl)ethyl]-amino)ethyl]-amino]sulfonyl sulfo derivatives and their sodium salts (provided for in subheading 3204.14.30) ...	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1222. PRO-JET CYAN 1 RO FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.65	Direct blue 199 sodium salt (CAS No. 90295–11–7) (provided for in subheading 3204.14.30)	9.5%	No change	No change	On or before 12/31/2000	’’.

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a), is amended—

(A) by striking ‘‘9.5%’’ and inserting ‘‘8.5%’’; and

(B) by striking ‘‘On or before 12/31/2000’’ and inserting ‘‘On or before 12/31/2001’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking ‘‘8.5%’’ and inserting ‘‘7.4%’’; and

(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1223. PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.67	Direct black 195 (CAS No. 160512–93–6) (provided for in subheading 3204.14.30)	7.8%	No change	No change	On or before 12/31/2000	’’.

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a), is amended—

(A) by striking ‘‘7.8%’’ and inserting ‘‘7.1%’’; and

(B) by striking ‘‘On or before 12/31/2000’’ and inserting ‘‘On or before 12/31/2001’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking ‘‘7.1%’’ and inserting ‘‘6.4%’’; and

(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1224. 4-(CYCLOPROPYL-A-HYDROXYMETHYLENE)-3,5-DIOXO-CYCLOHEXANECARBOXYLIC ACID ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.93	4-(Cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid, ethyl ester (CAS No. 95266–40–3) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1225. 4’’-EPIMETHYLAMINO-4’’-DEOXYAVERMECTIN B_{1A} AND B_{1B} BENZOATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.94	4’’-Epimethyl-amino-4’’-deoxyavermectin B_{1a} and B_{1b} benzoates (CAS No. 137512–74–4, 155569–91–8, or 179607–18–2) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1226. FORMULATIONS CONTAINING 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]-PHENOXY]-2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.51	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2003	’’.

SEC. 1227. MIXTURES OF 2-(2-CHLOROETHOXY)-$_N$-[[4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)-AMINO]CARBONYLBENZENESULFONAMIDE] AND 3,6-DICHLORO-2-METHOXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.21	Mixtures of 2-(2-chloroethoxy)-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonylbenzene-sulfonamide] (CAS No. 82097–50–5) and 3,6-dichloro-2-methoxybenzoic acid (CAS No. 1918–00–9) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1228. ($_{E,E}$)-$_A$-(METHOXYIMINO)-2-[[[[1-[3-(TRIFLUOROMETHYL)PHENYL]-ETHYLIDENE]AMINO]OXY]METHYL]BENZENEACETIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.41	(E,E)-α-(Methoxyimino)-2-[[[[1-[3-(trifluoromethyl)phenyl]- ethyl-idene]amino]oxy]- methyl]benzeneacetic acid, methyl ester (CAS No. 141517–21–7) (provided for in subheading 2929.90.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1229. FORMULATIONS CONTAINING SULFUR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.13	Mixtures of sulfur (80 percent by weight) and application adjuvants (CAS No. 7704–34–9) (provided for in subheading 3808.20.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1230. MIXTURES OF 3-(6-METHOXY-4-METHYL-1,3,5-TRIAZIN-2-YL)-1-[2-(2-CHLOROETHOXY)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.52	Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea (CAS No. 82097–50–5) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1231. MIXTURES OF 4-CYCLOPROPYL-6-METHYL-$_N$-PHENYL-2-PYRIMIDINAMINE-4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1$_H$-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.53	Mixtures of 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1232. (R)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER AND (S)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.31	(R)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester (CAS No. 69516–34–3) (both of the foregoing provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1233. MIXTURES OF BENZOTHIADIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.22	Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158–54–2) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1234. BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.42	Benzothialdiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158–54–2) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1235. O-(4-BROMO-2-CHLOROPHENYL)-O-ETHYL-S-PROPYL PHOSPHOROTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.30	O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate (CAS No. 41198–08–7) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1236. 1-[[2-(2,4-DICHLOROPHENYL)-4-PROPYL-1,3-DIOXOLAN-2-YL]-METHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.80	1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole (CAS No. 60207–90–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1237. TETRAHYDRO-3-METHYL-N-NITRO-5-[[2-PHENYLTHIO)-5-THIAZOLYL]-4H-1,3,5-OXADIAZIN-4-IMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.76	Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4-H-1,3,5-oxadiazin-4-imine (CAS No. 192439–46–6) (provided for in subheading 2934.10.10)	4.3%	No change	No change	On or before 12/31/2003	".

SEC. 1238. 1-(4-METHOXY-6-METHYLTRIAZIN-2-YL)-3-[2-(3,3,3-TRIFLUOROPROPYL)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.40	1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea (CAS No. 94125–34–5) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1239. 4,5-DIHYDRO-6-METHYL-4-[(3-PYRIDINYLMETHYLENE)AMINO]-1,2,4-TRIAZIN-3(2H)-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.94	4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one (CAS No. 123312–89–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1240. 4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.97	4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1241. MIXTURES OF 2-(((((4,6-DIMETHOXYPYRIMIDIN-2-YL)AMINOCARBONYL))AMINOSULFONYL))-N,N-DIMETHYL-3-PYRIDINECARBOXAMIDE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.69	Mixtures of 2-(((((4,6-dimethoxypyrimidin-2-yl)aminocarbonyl))aminosulfonyl))-N,N-dimethyl-3-pyridinecarboxamide and application adjuvants (CAS No. 111991–09–4) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1242. MONOCHROME GLASS ENVELOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.70.01	Monochrome glass envelopes (provided for in subheading 7011.20.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1243. CERAMIC COATER.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.00	Ceramic coater for laying down and drying ceramic (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1244. PRO-JET BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.13	5-[4-(7-Amino-1-hydroxy-3-sulfonaphthalen-2-ylazo)-2,5-bis(2-hydroxyethoxy)-phenylazo]isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1245. PRO-JET FAST BLACK 286 PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.44	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo-6-sulfo-1-naphthalenylazo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1246. BROMINE-CONTAINING COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.28.08	2-Bromoethanesulfonic acid, sodium salt (CAS No. 4263–52–9) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2003	
	9902.28.09	4,4'-Dibromobiphenyl (CAS No. 92–86–4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	
	9902.28.10	4-Bromotoluene (CAS No. 106–38–7) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1247. PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.29.38	1,4-Dihydro-2,6-dimethyl-1,4-diphenyl-3,5-pyridinedicarboxylic acid, dimethyl ester (CAS No. 83300–85–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	

	9902.29.39	1-[2-[2-Chloro-3-[(1,3-dihydro-1,3,3-trimethyl-2H-indol-2-ylidene)ethylidene]-1-cyclopenten-1-yl]ethenyl]-1,3,3-trimethyl-3H-indolium salt with trifluoromethanesulfonic acid (1:1) (CAS No. 128433–68–1) (provided for in subheading 2933.90.24) ..	Free	No change	No change	On or before 12/31/2003	
	9902.29.40	N-[4-[5-[4-(Dimethylamino)-phenyl]-1,5-diphenyl-2,4-pentadienylidene]-2,5-cyclohexadien-1-ylidene]-N-methylmethanaminium salt with trifluoromethanesulfonic acid (1:1) (CAS No. 100237–71–6) (provided for in subheading 2921.49.45) ..	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1248. CERTAIN SEMICONDUCTOR MOLD COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.39.07	Thermosetting epoxide molding compounds of a kind suitable for use in the manufacture of semiconductor devices, via transfer molding processes, containing 70 percent or more of silica, by weight, and having less than 75 parts per million of combined water-extractable content of chloride, bromide, potassium and sodium (provided for in subheading 3907.30.00)	3.5%	No change	No change	On or before 12/31/2003	''.

SEC. 1249. SOLVENT BLUE 67.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.53	Solvent blue 67 (CAS No. 81457–65–0) (provided for in subheading 3204.19.11)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1250. PIGMENT BLUE 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.08	Pigment blue 60 (CAS No. 81–77–6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1251. MENTHYL ANTHRANILATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.08.10	Menthyl anthranilate (CAS No. 134–09–08) (provided for in subheading 2922.49.27)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1252. 4-BROMO-2-FLUOROACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.15	4-Bromo-2-fluoroacetanilide (CAS No. 326–66–9) (provided for in subheading 2924.21.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1253. PROPIOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.16	Propiophenone (CAS No. 93–55–0) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1254. M-CHLOROBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.17	m-Chlorobenzaldehyde (CAS No. 587–04–2) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1255. CERAMIC KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.69.01	Knives having ceramic blades, such blades containing over 90 percent zirconia by weight (provided for in subheading 6911.10.80 or 6912.00.48)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1256. STAINLESS STEEL RAILCAR BODY SHELLS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.86.07	Railway car body shells of stainless steel, the foregoing which are designed for gallery type railway cars each having an aggregate capacity of 138 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1257. STAINLESS STEEL RAILCAR BODY SHELLS OF 148-PASSENGER CAPACITY.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.86.08	Railway car body shells of stainless steel, the foregoing which are designed for use in gallery type cab control railway cars each having an aggregate capacity of 148 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1258. PENDIMETHALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.21.42	N-(Ethylpropyl)-3,4-dimethyl-2,6-dinitroaniline (Pendimethalin) (CAS No. 40487–42–1) (provided for in subheading 2921.49.50)	1.1%	No change	No change	On or before 12/31/2003	''.

SEC. 1259. 3,5-DIBROMO-4-HYDOXYBENZONITRIL ESTER AND INERTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.04	Mixtures of octanoate and heptanoate esters of bromoxynil (3,5-Dibromo-4-hydroxybenzonitrile) (CAS Nos. 1689–99–2 and 56634–95–8) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1260. 3,5-DIBROMO-4-HYDOXYBENZONITRIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.18	Bromoxynil (3,5-dibromo-4-hydroxybenzonitrile), octanoic acid ester (CAS No. 1689–99–2) (provided for in subheading 2926.90.25)	4.2%	No change	No change	On or before 12/31/2003	''.

SEC. 1261. ISOXAFLUTOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.79	4-(2-Methanesulfonyl-4-trifluoromethylbenzoyl)-5-cyclopropylisoxazole (CAS No. 141112–29–0) (provided for in subheading 2934.90.15)	1.0%	No change	No change	On or before 12/31/2003	''.

SEC. 1262. CYCLANILIDE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.64	1-(2,4-Dichlorophenylaminocarbonyl)-cyclopropanecarboxylic acid (CAS No. 113136–77–9) (provided for in subheading 2924.29.47)	5.7%	No change	No change	On or before 12/31/2003	".

SEC. 1263. R115777.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.40	(R)-6-[Amino(4-chlorophenyl)(1-methyl-1H-imidazol-5-yl)methyl]-4-(3-chlorophenyl)-1-methyl-2(1H)-quinoline (CAS No. 192185–72–1) (provided for in subheading 2933.40.26)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1264. BONDING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.16	Bonding machines for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8479.89.97)	1.7%	No change	No change	On or before 12/31/2003	".

SEC. 1265. GLYOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.13	Glyoxylic acid (CAS No. 298–12–4) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1266. FLUORIDE COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.28.20	Ammonium bifluoride (CAS No. 1341–49–7) (provided for in subheading 2826.11.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1267. COBALT BORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.80.05	Cobalt boron (provided for in subheading 8105.10.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1268. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.02	Watertube boilers with a steam production exceeding 45 t per hour, for use in nuclear facilities (provided for in subheading 8402.11.00)	4.9%	No change	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods—

(1) entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act; and

(2) purchased pursuant to a binding contract entered into on or before the date of the enactment of this Act.

SEC. 1269. FIPRONIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.98	5-Amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((l,r,s)-(triflurometh ylsulfinyl))-1H-pyrazole-3-carbonitrile (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	5.6%	No change	No change	On or before 12/31/2003	".

SEC. 1270. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.91	Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	".

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting "12/31/2003":

(1) Heading 9902.32.12 (relating to DEMT).

(2) Heading 9902.39.07 (relating to a certain polymer).

(3) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(4) Heading 9902.29.37 (relating to certain sensitizing dyes).

(5) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(6) Heading 9902.71.08 (relating to certain semi-manufactured forms of gold).

(7) Heading 9902.33.59 (relating to DPX–E6758).

(8) Heading 9902.33.60 (relating to rimsulfuron).

(9) Heading 9902.70.03 (relating to rolled glass).

(10) Heading 9902.72.02 (relating to ferroboron).

(11) Heading 9902.70.06 (relating to substrates of synthetic quartz or synthetic fused silica).

(12) Heading 9902.32.90 (relating to diiodomethyl-p-tolylsulfone).

(13) Heading 9902.32.92 (relating to β-bromo-β-nitrostyrene).

(14) Heading 9902.32.06 (relating to yttrium).

(15) Heading 9902.32.55 (relating to methyl thioglycolate).

(b) EXISTING DUTY REDUCTION.—Heading 9902.29.68 (relating to Ethylene/tetrafluoroethylene copolymer (ETFE)) is amended by striking out the date in the effective period column and inserting "12/31/2003".

(c) OTHER MODIFICATIONS.—

(1) METHYL ESTERS.—

(A) CALENDAR YEAR 2001.—

(i) IN GENERAL.—Heading 9902.38.24 (relating to methyl esters) is amended—

(I) by striking "Free" and inserting "1.6%"; and

(II) by striking "12/31/2000" and inserting "12/31/2001".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2001.

(B) CALENDAR YEAR 2002.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (A), is amended—

(I) by striking "1.6%" and inserting "1.8%"; and

(II) by striking "12/31/2001" and inserting "12/31/2002".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2002.

(C) CALENDAR YEAR 2003.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (B), is amended—

(I) by striking "1.8%" and inserting "1.9%"; and

(II) by striking "12/31/2002" and inserting "12/31/2003".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2003.

(2) CERTAIN MANUFACTURING EQUIPMENT.—Headings 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, and 9902.84.91 (relating to certain manufacturing equipment) are each amended—

(A) by striking "4011.91.50" each place it appears and inserting "4011.91";

(B) by striking "4011.99.40" each place it appears and inserting "4011.99"; and

(C) by striking "86 cm" each place it appears and inserting "63.5 cm".

(3) CARBAMIC ACID (U-9069).— Heading 9902.33.61 (relating to carbamic acid (U–9069)) is amended—

(A) by striking "7.6%" and inserting "Free"; and

(B) by striking the date in the effective period column and inserting "12/31/2003".

(4) DPX–E9260.— Heading 9902.33.63 (relating to DPX–E9260) is amended—

(A) by striking "5.3%" and inserting "Free"; and

(B) by striking the date in the effective period column and inserting "12/31/2003".

SEC. 1302. TECHNICAL CORRECTION.

Heading 9902.32.70 is amended by striking "(provided for in subheading 2916.39.45)" and inserting "(provided for in subheading 2916.39.75)".

SEC. 1303. EFFECTIVE DATE.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1401. CERTAIN TELEPHONE SYSTEMS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C.

1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c), in accordance with the final decision of the Department of Commerce of February 7, 1990 (case number A580–803–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
E85–0001814–6	10/05/89	Miami, FL
E85–0001844–3	10/30/89	Miami, FL
E85–0002268–4	07/21/90	Miami, FL
E85–0002510–9	12/15/90	Miami, FL
E85–0002511–7	12/15/90	Miami, FL
E85–0002509–1	12/15/90	Miami, FL
E85–0002527–3	12/12/90	Miami, FL
E85–0002550–0	12/20/90	Miami, FL
102–0121558–8	12/11/91	Miami, FL
E85–0002654–5	04/08/91	Miami, FL
E85–0002703–0	05/01/91	Miami, FL
E85–0002778–2	06/05/91	Miami, FL
E85–0002909–3	08/05/91	Miami, FL
E85–0002913–5	08/02/91	Miami, FL
102–0120990–4	10/18/91	Miami, FL
102–0120668–6	09/03/91	Miami, FL
102–0517007–8	11/20/91	Miami, FL
102–0122145–3	03/05/91	Miami, FL
102–0121173–6		Miami, FL
102–0121559–6		Miami, FL
E85–0002636–2		Miami, FL

SEC. 1402. COLOR TELEVISION RECEIVER ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative reviews, covering the periods from April 1, 1989, through March 31, 1990, and from April 1, 1990, through March 31, 1991, undertaken by the International Trade Administration of the Department of Commerce for such entries (case number A–583–009).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
509–0210046–5	August 18, 1989
815–0908228–5	June 25, 1989
707–0836829–8	April 4, 1990
707–0836940–3	April 12, 1990
707–0837161–5	April 25,1990
707–0837231–6	May 3, 1990
707–0837497–3	May 17, 1990
707–0837498–1	May 24, 1990
707–0837612–7	May 31, 1990
707–0837817–2	June 13, 1990
707–0837949–3	June 19, 1990
707–0838712–4	August 7, 1990
707–0839000–3	August 29, 1990
707–0839234–8	September 15, 1990
707–0839284–3	September 12, 1990
707–0839595–2	October 2, 1990
707–0840048–9	November 1, 1990
707–0840049–7	November 1, 1990
707–0840176–8	November 8, 1990

SEC. 1403. COPPER AND BRASS SHEET AND STRIP.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
110–1197671–6	10/18/86	7/6/92
110–1198090–8	12/19/86	1/23/87
110–1271919–8	11/12/86	11/6/87
110–1272332–3	11/26/86	11/20/87
110–1955373–1	12/17/86	7/26/96
110–1271914–9	11/12/86	11/6/87
110–1279006–6	09/09/87	8/26/88
110–1279699–8	10/06/87	11/6/87
110–1280399–2	11/03/87	12/11/87
110–1280557–5	11/11/87	12/28/87
110–1280780–3	11/24/87	01/29/88
110–1281399–1	12/16/87	2/12/88
110–1282632–4	02/17/88	3/18/88
110–1286027–3	02/26/88	2/17/89
110–1286056–2	02/23/88	2/12/89
719–0736650–5	07/27/87	3/13/92
110–1285877–2	09/08/88	06/02/89
110–1285885–5	09/08/88	06/02/89
110–1285959–8	09/13/88	06/02/89
110–1286057–0	03/01/88	04/01/88
110–1286061–2	03/02/88	02/24/89
110–1286120–6	03/13/88	03/03/89
110–1286122–2	03/13/88	03/03/89
110–1286123–0	03/13/88	03/03/89
110–1286124–8	03/13/88	03/03/89
110–1286133–9	03/20/88	04/15/88
110–1286134–7	03/20/88	04/15/88
110–1286151–1	03/15/88	09/15/89
110–1286194–1	03/22/88	08/24/90
110–1286262–6	04/04/88	06/09/89
110–1286264–2	03/30/88	06/09/89
110–1286293–1	04/09/88	06/02/89
110–1286294–9	04/09/88	06/02/89
110–1286330–1	04/13/88	06/02/89
110–1286332–7	04/13/88	06/02/89
110–1286376–4	04/20/88	06/02/89
110–1286398–8	04/29/88	06/02/89
110–1286399–6	04/29/88	06/02/89
110–1286418–4	05/06/88	06/02/89
110–1286419–2	05/06/88	06/02/89
110–1286465–5	05/13/88	06/02/89
110–1286467–1	05/13/88	06/02/89
110–1286488–7	05/20/88	07/01/88
110–1286489–5	05/20/88	07/01/88
110–1286490–3	05/20/88	07/01/88
110–1286567–8	05/27/88	06/02/89
110–1286578–5	06/03/88	06/02/89
110–1286579–3	06/03/88	06/02/89
110–1286638–7	06/10/88	06/02/89
110–1286683–3	06/17/88	06/02/89
110–1286685–8	06/17/88	06/02/89
110–1286703–9	06/24/88	07/29/88
110–1286725–2	06/24/88	06/02/89
110–1286740–1	07/01/88	06/02/89
110–1286824–3	07/08/88	06/02/89
110–1286863–1	07/20/88	06/02/89
110–1286910–0	07/24/88	06/02/89
110–1286913–4	07/29/88	06/02/89
110–1286942–3	07/26/88	09/09/88
110–1286990–2	08/02/88	06/02/89
110–1287007–4	08/05/88	06/02/89
110–1287058–7	08/09/88	06/02/89
110–1287195–7	09/22/88	06/02/89
110–1287376–3	09/29/88	06/02/89
110–1287377–1	09/29/88	06/02/89
110–1287378–9	09/29/88	06/02/89
110–1287573–5	10/06/88	06/02/89
110–1287581–8	10/06/88	06/02/89
110–1287756–6	10/11/88	06/29/90
110–1287762–4	10/11/88	06/02/89
110–1287780–6	10/14/88	06/02/89
110–1287783–0	10/14/88	06/02/89
110–1287906–7	10/18/88	06/02/89
110–1288061–0	10/25/88	06/02/89
110–1288086–7	10/27/88	06/02/89
110–1288229–3	11/03/88	06/02/89
110–1288370–5	11/08/88	06/29/90
110–1288408–3	11/10/88	06/29/90
110–1288688–0	11/24/88	06/02/89
110–1288692–2	11/24/88	06/02/89
110–1288847–2	11/29/88	06/29/90
110–1289041–1	12/07/88	06/02/89
110–1289248–2	12/22/88	06/02/89
110–1289250–8	12/21/88	06/02/89
110–1289260–7	12/22/88	06/02/89
110–1289376–1	12/29/88	06/02/89
110–1289588–1	01/15/89	06/02/89
110–0935207–8	01/05/90	03/13/92
110–1294738–5	10/31/89	03/20/90
110–1204990–1	06/08/89	09/29/89
11036694146	01/17/91	12/18/92
11036706841	03/06/91	2/19/93
11036725270	05/24/91	2/19/93
110–1231352–1	07/24/88	08/26/88
110–1231359–6	07/31/88	09/09/88
110–1286029–9	02/25/88	03/25/88
110–1286078–6	03/04/88	04/08/88
110–1286079–4	03/04/88	06/29/90
110–1286107–3	03/10/88	04/08/88
110–1286153–7	03/11/88	04/15/88
110–1286154–5	03/17/88	04/22/88
110–1286155–2	03/31/88	04/22/88
110–1286203–0	03/24/88	06/29/90
110–1286218–8	03/18/88	04/22/88
110–1286241–0	03/31/88	03/24/89
110–1286272–5	03/31/88	08/03/90
110–1286278–2	04/04/88	08/03/90
110–1286362–4	04/21/88	06/29/90
110–1286447–3	05/06/88	06/29/90
110–1286448–1	05/06/88	06/29/90
110–1286472–1	05/11/88	06/29/90
110–1286664–3	06/16/88	06/29/90
110–1286666–8	06/16/88	07/13/90
110–1286889–6	07/22/88	08/03/90
110–1286982–9	08/04/88	06/29/90
110–1287022–3	08/11/88	06/29/90
110–1804941–8	05/04/88	07/29/94
037–0022571–1	01/05/89	02/17/89
110–1135050–8	04/01/89	02/19/93
110–1135292–6	04/23/89	02/19/93
110–1135479–9	05/04/89	12/28/92
110–1136014–3	06/01/89	02/19/93
110–1136111–7	06/09/89	02/19/93
110–1136287–5	06/15/89	12/28/92
110–1136678–5	07/14/88	02/19/93
110–1136815–3	07/17/89	12/28/92
110–1137008–4	07/17/89	02/19/93
110–1137010–0	07/28/89	02/19/93
110–1231614–4	12/06/88	02/17/89
110–1231630–0	12/13/88	02/17/89
110–1231666–4	12/30/88	02/17/89
110–1231694–6	01/16/89	03/24/89
110–1231708–4	01/30/89	03/24/89
110–1231767–0	03/12/89	07/14/89
110–1232086–4	07/27/89	12/01/89
110–1287256–7	09/20/88	09/08/89
110–1287285–6	09/22/88	09/15/89
110–1287442–3	09/29/88	06/29/90
110–1287491–0	09/27/88	06/29/90
110–1287631–1	09/29/88	06/29/90
110–1287693–1	10/06/88	06/29/90
110–1288491–9	11/10/88	06/29/90
110–1288492–7	11/10/88	06/29/90
110–1288937–1	12/08/88	06/29/90
110–1710118–6	01/27/89	01/13/89
110–1137082–9	09/03/89	2/19/93
110–1138058–8	10/11/89	2/19/93
110–1138059–6	09/28/89	2/19/93
110–1138691–6	11/02/89	2/19/93
110–1138698–1	11/02/89	2/19/93
110–1139217–9	12/09/89	2/19/93
110–1139218–7	12/09/89	12/21/89
110–1139219–5	12/02/89	2/19/93
110–1139481–1	01/05/90	2/19/93
110–1140423–0	02/17/90	2/19/93
110–1140641–7	03/08/90	2/19/93
110–1141086–4	04/01/90	2/19/93
110–1142313–1	06/06/90	2/19/93
110–1142728–0	06/30/90	2/19/93
110–1232095–5	08/06/89	12/01/89
110–1232136–7	09/02/89	12/29/89
110–1293737–8	08/29/89	8/21/92
110–1293738–6	08/31/89	8/21/92
110–1293859–0	09/07/89	8/21/92
110–1293861–6	09/06/89	8/21/92
110–1294009–1	09/14/89	8/21/92
110–1294111–5	09/19/89	8/21/92
110–1294328–5	10/05/89	8/21/92
110–1294685–8	10/24/89	8/21/92
110–1294686–6	10/24/89	8/21/92
110–1294798–9	10/31/89	8/21/92
110–1295026–4	11/09/89	8/21/92
110–1295087–6	11/14/89	3/16/90
110–1295088–4	11/16/89	8/21/92
110–1295089–2	11/16/89	8/21/92
110–1295245–0	11/21/89	8/21/92
110–1295493–6	12/05/89	8/21/92
110–1295497–7	12/05/89	8/21/92
110–1295898–6	12/28/89	8/21/92
110–1295903–4	12/28/89	8/21/92
110–1296025–5	01/04/90	8/21/92
110–1296161–8	01/11/90	8/21/92
11011443535	09/25/90	12/18/92

Entry number	Date of entry	Date of liquidation
11011448211	10/25/90	12/18/92
11001688032	04/12/88	06/03/88
11001691390	06/01/88	06/02/88
11009971950	03/07/88	03/03/89
11009972545	04/06/88	04/21/89
11012860745	03/04/88	04/08/88
11012861024	03/08/88	04/08/88
11012862071	03/24/88	04/29/88
11012862139	03/22/88	04/22/88
11012869316	07/28/88	06/29/90
11018048717	04/25/88	05/31/88
11018051323	06/08/88	07/08/88
11018054467	07/27/88	07/27/88
11018055324	08/10/88	08/20/88
11009976470	08/29/88	09/01/89
11017086056	10/26/88	12/02/88
11018057726	09/14/88	11/04/88
11018061991	11/09/88	12/30/88
11011366611	07/13/89	03/05/93
11012044811	03/18/89	04/23/93
11012053952	07/27/89	06/12/92
11012906159	03/09/89	06/29/90
11012908841	03/21/89	06/29/90
11012910227	03/28/89	06/29/90
11012911407	04/06/89	07/21/89
11012911415	04/06/89	06/29/90
11012911423	04/06/89	06/29/90
11012916240	05/04/89	06/29/90
11012922586	06/06/89	06/29/90
11012923964	06/15/89	06/29/90
11012928534	07/11/89	06/29/90
11012929771	07/19/89	06/29/90
11010060926	12/05/89	12/14/90
11012137037	10/02/90	06/12/92
11012941107	09/19/89	08/21/92
11012942238	09/28/89	08/21/92
11012943319	10/05/89	08/21/92
11012944374	10/13/89	03/02/90
11012944390	10/12/89	08/21/92
11012944408	10/13/89	08/21/92
11012946932	10/26/89	08/21/92
11012950918	11/17/89	11/09/90
11012952351	11/21/89	08/21/92
11012953821	11/29/89	08/21/92
11012954621	12/07/89	08/21/92
11012954803	12/07/89	08/21/92
11010103270	01/23/90	05/11/90
11011425391	06/16/90	02/19/93
11015255588	07/03/90	11/02/90
11018670254	01/11/90	01/22/90
11018671211	01/11/90	01/30/90
11018113123	06/06/90	
11010113105	09/06/90	01/04/91
11018133634	12/05/90	

SEC. 1404. ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(1001)016–0112010–6	May 26, 1989
(4601)016–0112028–8	June 28, 1989
(4601)016–0112126–0	December 5, 1989
(4601)016–0112132–8	December 18, 1989
(4601)016–0112164–1	February 5, 1990
(4601)016–0112229–2	April 12, 1990
(4601)016–0112211–0	March 21, 1990.

SEC. 1405. OTHER ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(4601)016–0112223–5	April 4, 1990
(4601)710–0225218–8	August 24, 1990
(4601)710–0225239–4	September 5, 1990
(4601)710–0226079–3	May 21, 1991
(1704)J50–0016544–7	January 31, 1991
(4601)016–0112237–5	April 19, 1990
(4601)710–0226033–0	May 7, 1991
(4601)710–0226078–5	May 15, 1991
(4601)710–0225181–8	August 24, 1990
(4601)710–0225381–4	October 3, 1990.

SEC. 1406. PRINTING CARTRIDGES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.90.08 of the Harmonized Tariff Schedule of the United States (relating to parts of facsimile machines) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8473.30.50 of the Harmonized Tariff Schedule of the United States (relating to parts and accessories of machines classified under heading 8471 of such Schedule).

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Date of liquidation
01/29/97	112–9640193–6	05/23/97
01/30/97	112–9640390–8	05/16/97
02/01/97	112–9640130–8	05/16/97
02/21/97	112–9642191–8	06/06/97
02/18/97	112–9642236–1	06/06/97
02/24/97	112–9642831–9	06/06/97
02/28/97	112–9643311–1	06/13/97
03/07/97	112–9644155–1	06/20/97
03/14/97	112–9645020–6	06/27/97
03/18/97	112–9645367–1	07/07/97
03/20/97	112–9646067–6	07/11/97
03/20/97	112–9646027–0	07/11/97
03/24/97	112–9646463–7	07/11/97
03/26/97	112–9646461–1	07/11/97
03/24/97	112–9646390–2	07/11/97
03/31/97	112–9647021–2	07/18/97
04/04/97	112–9647329–9	07/18/97
04/07/97	112–9647935–3	02/20/98
04/11/97	112–9300307–3	02/20/98
04/11/97	112–9300157–2	02/20/98
04/24/97	112–9301788–3	03/06/98
04/25/97	112–9302061–4	03/06/98
04/28/97	112–9302268–5	03/13/98
04/25/97	112–9302328–7	03/13/98
04/25/97	112–9302453–3	03/13/98
04/25/97	112–9302438–4	03/13/98
04/25/97	112–9302388–1	03/13/98
05/30/97	112–9306611–2	10/31/97
05/02/97	112–9302488–9	03/13/98
05/09/97	112–9303720–4	03/20/98
05/06/97	112–9303761–8	03/20/98
05/14/97	112–9304827–6	03/27/98
05/16/97	112–9304932–4	03/27/98
01/02/97	112–9636637–8	04/18/97
01/10/97	112–9637688–0	04/25/97
01/06/97	112–9637316–8	04/18/97
01/31/97	112–9640064–9	05/16/97
01/28/97	112–9639734–0	05/09/97
01/25/97	112–9639410–7	05/09/97
01/24/97	112–9639109–5	05/09/97
04/04/97	112–9647321–6	07/18/97

SEC. 1407. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF N,N-DICYCLOHEXYL-2-BENZOTHIAZOLESULFENAMIDE.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, the Customs Service shall—

(1) not later than 90 days after receiving a request described in subsection (b), liquidate or reliquidate as free from duty the entries listed in subsection (c); and

(2) within 90 days after such liquidation or reliquidation, refund any duties paid with respect to such entries, including interest from the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
0359145–4	November 26, 1996
0359144–7	November 26, 1996
0358011–9	October 30, 1996
0358010–1	October 30, 1996
0357091–2	October 8, 1996
0356909–6	October 1, 1996
0356480–8	September 27, 1996
0356482–4	September 24, 1996
0354733–2	August 7, 1996
0355663–0	August 27, 1996
0355278–7	August 20, 1996
0353571–7	July 3, 1996
0354382–8	July 23, 1996
0354204–4	July 18, 1996
0353162–5	June 25, 1996
0351633–7	May 14, 1996
0351558–6	May 7, 1996
0351267–4	April 27, 1996
0350615–5	April 12, 1996
0349995–5	March 25, 1996
0349485–7	March 11, 1996
0349243–0	February 27, 1996
0348597–6	February 17, 1996
0347203–6	January 2, 1996
0347759–7	January 17, 1996
0346113–8	December 12, 1995
0346119–5	November 29, 1995
0345065–1	October 31, 1995
0345066–9	October 31, 1995
0343859–9	October 3, 1995
0343860–7	October 3, 1995
0342557–0	August 30, 1995
0342558–8	August 30, 1995
0341557–1	July 31, 1995
0341558–9	July 31, 1995
0340382–5	July 6, 1995
0340838–6	June 28, 1995
0339139–2	June 7, 1995
0339144–2	May 31, 1995
0337866–2	April 26, 1995
0337667–4	April 26, 1995
0347103–8	April 12, 1995
0336953–9	March 29, 1995
0336954–7	March 29, 1995
0335799–7	March 1, 1995
0335800–3	March 1, 1995
0335445–7	February 14, 1995

Entry Number	Entry Date
0335020–8	February 9, 1995
0335019–0	February 1, 1995

SEC. 1408. CERTAIN ENTRIES OF TOMATO SAUCE PREPARATION.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
599–1501057–9	10/26/89
614–2717371–3	10/28/89
614–2717788–8	11/16/89
614–2717875–3	11/17/89
614–2723776–5	10/31/90
614–2725016–4	01/14/91
614–2725155–0	01/28/91
614–2725267–3	02/04/91
614–2725531–2	02/26/91
614–2725662–5	03/06/91
614–2725767–2	03/20/91
614–2725944–7	03/27/91
614–2726273–0	04/23/91
614–2726465–2	05/06/91
614–2726863–8	06/05/91
614–2727011–3	06/13/91
614–2727277–0	07/03/91
614–2727724–1	07/30/91
112–4021152–1	11/13/91
112–4021203–2	11/13/91
112–4021204–0	11/13/91
614–0081685–8	12/19/91
614–0081763–3	12/30/91
614–0082193–2	01/23/92
614–0082201–3	01/23/92
614–0082553–7	02/12/92
614–0082572–7	02/18/92
614–0082785–5	02/25/92
614–0082831–7	03/02/92
614–0083084–2	03/10/92
614–0083228–5	03/18/92
614–0083267–3	03/19/92
614–0083270–7	03/19/92
614–0083284–8	03/19/92
614–0083370–5	03/24/92
614–0083371–3	03/24/92
614–0083372–1	03/24/92
614–0083395–2	03/24/92
614–0083422–4	03/26/92
614–0083426–5	03/26/92
614–0083444–8	03/26/92
614–0083468–7	03/26/92
614–0083517–1	03/30/92
614–0083518–9	03/30/92
614–0083519–7	03/30/92
614–0083574–2	04/02/92
614–0083626–0	04/07/92
614–0083641–9	04/08/92
614–0083655–9	04/08/92
614–0083782–1	04/13/92
614–0083812–6	04/14/92
614–0083862–1	04/20/92
614–0083880–3	04/20/92
614–0083940–5	04/22/92
614–0083967–8	04/22/92
614–0084008–0	04/28/92
614–0084052–8	04/28/92
614–0084076–7	04/29/92
614–0084128–6	04/30/92
614–0084127–8	05/04/92
614–0084163–3	05/05/92
614–0084181–5	05/06/92
614–0084182–3	05/06/92
614–0084498–3	05/19/92
614–0084620–2	05/26/92
614–0084724–2	06/02/92
614–0084725–9	06/02/92
614–0084981–8	06/14/92
614–0084982–6	06/14/92
614–0084983–4	06/14/92
614–0086456–9	08/11/92
614–0086707–5	08/21/92
614–0086807–3	08/28/92
614–0086808–1	08/28/92
614–0088148–0	11/05/92
614–0088687–7	11/24/92
614–0091241–8	03/30/93
614–0091756–5	04/22/93
614–0091803–5	04/26/93
614–0096840–2	12/06/93
614–0095883–3	10/22/93
614–0095940–1	10/21/93
614–0096051–6	10/22/93
614–0096058–1	10/22/93
614–0096063–1	10/25/93
614–0096069–8	10/25/93
614–0100624–4	04/28/94
614–0100701–0	05/02/94
614–0099508–2	06/07/94
614–0002824–9	02/09/95
788–1003306–4	07/14/89

SEC. 1409. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1990 THROUGH 1992.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
521–0010813–4	11/28/90
521–0011263–1	3/15/91
551–2047066–5	3/18/92
551–2047231–5	3/19/92
551–2047441–0	3/20/92
551–2053210–0	4/28/92
819–0565392–9	12/12/92

SEC. 1410. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 THROUGH 1995.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
614–2716855–6	10–11–89
614–2717619–5	11–11–89
614–2717846–4	11–25–89
614–2722580–2	09–01–90
614–2723739–3	11–03–90
614–2722163–7	08–04–90
614–2723558–7	10–25–90
614–2723104–0	09–29–90
614–2720674–5	05–10–90
614–2721638–9	07–07–90
614–2718704–4	01–06–90
614–2718411–6	12–16–89
614–2719146–7	02–03–90
614–2719562–5	03–03–90
614–2726258–1	04–26–91
614–2726290–4	05–03–91
614–2725646–8	03–21–91
614–2725926–4	04–06–91
614–2725443–0	02–23–91
614–0081157–8	12–02–91
614–0081303–8	12–03–91
614–2725276–4	02–09–91
614–2728765–3	10–05–91
614–2729005–3	10–19–91
614–2728060–9	08–24–91
614–2727885–0	08–10–91
614–2726744–0	06–01–91
614–2726987–5	06–15–91
614–2725094–1	01–26–91
614–2724766–4	01–07–91
614–2724768–1	12–30–90
614–0084694–7	05–30–92
614–0085303–4	06–30–92
614–0081812–8	01–07–92
614–0082595–8	02–23–92
614–0083467–9	03–31–92
614–0083466–1	03–31–92
614–0083680–7	04–18–92
614–0084025–4	05–02–92
614–0092533–7	05–14–93
614–0093248–1	06–25–93
614–0095915–3	10–26–93
614–0095752–0	10–13–93
614–0095753–8	10–13–93
614–0095275–2	09–24–93
614–0095445–1	10–07–93
614–0095421–2	10–08–93
614–0095814–8	10–22–93
614–0095813–0	10–22–93
614–0095811–4	10–22–93
614–0095914–6	10–26–93
614–0102424–7	06–23–94
614–0096922–8	12–07–93
614–0001090–8	10–20–94
614–0006610–8	06–23–95
614–0004345–3	03–29–95
614–0005582–0	04–28–95

SEC. 1411. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 AND 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any

other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
812–0507705–0	07/27/89
812–0507847–0	08/03/89
812–0507848–8	08/03/89
812–0509191–1	10/18/89
812–0509247–1	10/25/89
812–0509584–7	11/08/89
812–0510077–9	12/08/89
812–0510659–4	01/12/90

SEC. 1412. NEOPRENE SYNCHRONOUS TIMING BELTS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate the entry described in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of the entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY.—The entry referred to in subsection (a) is the following:

Entry number	Date of entry	Date of liquidation
469–0015023–9	11/14/89	3/9/90

SEC. 1413. RELIQUIDATION OF DRAWBACK CLAIM NUMBER R74–10343996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1994	R74–1034399 6	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1414. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1993	R74–1034035 6	07/03/96
April 1993	R74–1034070 3	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1415. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS OF MERCHANDISE FROM MAY 1993 TO JULY 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
May 1993	R74–1034098 4	07/03/96
June 1993	R74–1034126 3	07/03/96
July 1993	R74–1034154 5	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1416. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS CLAIMS FILED BETWEEN APRIL 1994 AND JULY 1994.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
April 1994	R74–1034427 5	07/03/96
May 1994	R74–1034462 2	07/03/96
July 1994	C04–0032112 8	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1417. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
August 1993	R74–1034189 1	07/03/96
September 1993	R74–1034217 0	07/03/96
December 1993	R74–1034308 7	07/03/96
January 1994	R74–1034336 8	07/03/96
February 1994	R74–1034371 5	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1418. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1997.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Drawback Claim Number	Filing Date
WJU1111015–0	May 30, 1997
WJU1111030–9	August 6, 1997
WJU1111006–9	April 16, 1997
WJU1111005–2	February 26, 1997

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1419. RELIQUIDATION OF DRAWBACK CLAIM NUMBER WJU1111031–7.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following:

Drawback Claim Number	Filing Date
WJU1111031–7 (excluding Invoice #24051)	October 16, 1997

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1420. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF ATHLETIC SHOES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221–0590991–9
221–0890500–5 through 221–0890675–5
221–0890677–1 through 221–0891427–0
221–0891430–4 through 221–0891537–6
221–0891539–2 through 221–0891554–1
221–0891556–6 through 221–0891557–4
221–0891559–0
221–0891561–6 through 221–0891565–7
221–0891567–3 through 221–0891578–0
221–0891582–0
221–0891584–8 through 221–0891587–1
221–0891589–7
221–0891592–1 through 221–0891597–0
221–0891604–4 through 221–0891605–1
221–0891607–7 through 221–0891609–3

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1421. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate each entry described in subsection (b) by applying the column 1 general rate of duty of the Harmonized Tariff Schedule of the United States to each entry that is reliquidated, regardless of whether the entry was made under the column 1 special rate of duty of such Schedule.

(b) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Port of Entry	Date of Entry
T71-0000954-9	2809	10/16/96
T71-0000965-5	2809	11/05/96
T71-0000966-3	2809	11/05/96
T71-0000968-9	2809	11/25/96
T71-0000969-7	2809	12/23/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the reliquidation of an entry described in subsection (b) shall be paid not later than 90 days after the date of such reliquidation.

SEC. 1422. DRAWBACK OF FINISHED PETROLEUM DERIVATIVES

(a) ADDITION OF CRUDE OIL, VINYL CHLORIDE, TEREPHTHALIC ACID, TRIMELLITIC ANYDRIDE, ISOPHTHALIC ACID, ACRYLONITRILE, LUBRICATING OIL ADDITIVES, AND PREPARED ADDITIVES FOR MINERAL OILS FOR SUBSTITUTION.—

(1) IN GENERAL.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended—

(A) by inserting ''2709.00,'' after ''2708,''; and

(B) by striking ''2902, and 2909.19.14'' and inserting ''and 2902, and subheadings 2903.21.00, 2909.19.14, 2917.36, 2917.39.04, 2917.39.15, 2926.10.00, 3811.21.00, and 3811.90.00''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply to—

(A) any drawback claim filed on or after such date of enactment; and

(B) any drawback entry filed before such date of enactment if the liquidation of the entry is not final on such date of enactment.

(b) DESIGNATION OF CERTAIN FINISHED PETROLEUM DERIVATIVES AS COMMERCIALLY INTERCHANGEABLE.—Section 313(p)(3)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(B)) is amended by adding at the end the following: ''If an article is referred to under the same eight-digit classification of the Harmonized Tariff Schedule of the United States as the qualified article on January 1, 2000, then whether or not the article has been reclassified under another eight-digit classification after January 1, 2000, the article shall be deemed to be an article that is referred to under the same eight-digit classification of such Schedule as the qualified article for purposes of the preceding sentence.''.

SEC. 1423. RELIQUIDATION OF CERTAIN ENTRIES OF SELF-TAPPING SCREWS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 7318.12 of the Harmonized Tariff Schedule of the United States (relating to wood screws); and

(2) shall reliquidate such merchandise under subheading 7318.14 of the Harmonized Tariff Schedule of the United States (relating to self-tapping screws), depending upon their diameter, at the rate of duty then applicable for such merchandise.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Philadelphia, are as follows:

Entry No.	Date of entry	Liquidation Date
Av1–0893629–3	08–11–93	01–14–94
Av1–0893735–8	09–09–93	01–14–94
Av1–0893766–3	09–20–93	01–14–94
Av1–0893809–1	10–13–93	01–14–94
Av1–0893810–9	10–11–93	01–14–94
Av1–0893811–7	10–06–93	01–14–94
Av1–0893846–3	10–19–93	03–18–94
Av1–0893872–9	10–25–93	01–14–94
Av1–0893873–7	10-25–93	01–14–94
Av1–0893904–0	11–02–93	03–18–94
Av1–0893913–1	11–08–93	01–14–94
Av1–0893936–2	11–15–93	01–14–94
Av1–0893949–5	11–18–93	01–14–94
Av1–0893963–6	11–22–93	01–14–94
Av1–0893981–8	11–30–93	03–18–94
Av1–0894012–1	12–06–93	03–18–94
Av1–0894013–9	12–06–93	03–18–94
Av1–0894057–6	12–20–93	03–18–94
Av1–0894058–4	12–20–93	03–18–94
Av1–0894095–6	12–29–93	04–01–94
Av1–0894100–4	01–05–94	04–01–94
Av1–0894108–7	01–04–94	04–22–94
Av1–0894159–0	01–31–94	05–20–94
Av1–0894222–6	02–14–94	04–08–94
Av1–0894245–7	02–19–94	04–08–94
Av1–0894274–7	02–25–94	04–08–94
Av1–0894298–6	03–07–94	04–22–94
Av1–0894299–4	03–08–94	04–22–94
Av1–0894335–6	03–14–94	05–06–94
Av1–0894348–9	03–17–94	05–06–94
Av1–0894355–4	03–30–94	05–06–94
Av1–0894382–8	03–24–94	06–17–94
Av1–0894420–6	04–06–94	06–17–94
Av1–0894429–7	04–11–94	06–24–94
Av1–0894356–2	04–04–94	08–12–94
Av1–0894516–1	05–23–94	07–29–94
Av1–0894517–9	05–23–94	07–29–94
Av1–0894531–0	06–01–94	07–29–94
Av1–0894570–8	05–27–94	09–30–94
Av1–0894580–7	05–31–94	07–29–94
Av1–0894606–0	06–07–94	07–29–94
Av1–0894607–8	06–15–94	07–29–94
Av1–0894608–6	06–06–94	07–29–94
Av1–0894661–5	06–21–94	08–19–94
Av1–0894682–1	06–24–94	08–12–94
Av1–0894685–4	07–05–94	08–12–94
Av1–0894697–9	07–06–94	08–12–94
Av1–0894698–7	07–12–94	08–12–94
Av1–0894820–7	07–27–94	09–16–94
Av1–0894910–6	08–18–94	09–30–94

SEC. 1424. RELIQUIDATION OF CERTAIN ENTRIES OF VACUUM CLEANERS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 8509.80.00 of the Harmonized Tariff Schedule of the United States; and

(2) shall reliquidate such merchandise under subheading 8509.10.00 of the Harmonized Tariff Schedule of the United States at the duty-free rate then applicable for such appliances.

(b) PAYMENTS OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the ports indicated, are as follows:

Port of Entry	Entry Number	Date of Entry	Date of Liquidation
Baltimore, MD	004–7872032–9	1/11/99	11/19/99
Los Angeles, CA	004–7849971–8	11/19/98	10/1/99
Los Angeles, CA	004–7852693–2	11/25/98	10/8/99
Los Angeles, CA	004–7852699–9	11/25/98	10/8/99
Los Angeles, CA	004–7852722–9	11/25/98	10/8/99
Los Angeles, CA	004–7861673–3	12/8/98	10/22/99
Los Angeles, CA	004–7861692–3	12/8/98	10/22/99
Los Angeles, CA	004–7861704–6	12/8/98	10/22/99
Los Angeles, CA	004–7867000–3	12/17/98	11/5/99
Los Angeles, CA	004–7867004–5	12/17/98	11/5/99
Los Angeles, CA	004–7875266–0	1/3/99	11/19/99
Los Angeles, CA	004–7870717–7	1/6/99	11/5/99
Los Angeles, CA	004–7870733–4	1/6/99	11/5/99
Los Angeles, CA	004–7877886–3	1/7/99	11/19/99
Los Angeles, CA	004–7875246–2	1/13/99	11/12/99
San Francisco, CA	004–7850789–0	11/20/98	10/8/99
San Francisco, CA	004–7864752–2	12/14/98	10/29/99
San Francisco, CA	004–7869967–1	12/22/98	11/5/99
San Francisco, CA	004–7872055–0	1/11/99	11/12/99
Seattle, WA	004–7847960–3	11/17/98	10/1/99
Seattle, WA	004–7850796–5	11/20/98	10/8/99
Seattle, WA	004–7856642–5	12/2/98	10/15/99
Seattle, WA	004–7861684–0	12/8/98	10/22/99
Seattle, WA	004–7861909–1	12/9/98	10/22/99
Seattle, WA	004–7866974–0	12/17/98	10/29/99
Seattle, WA	004–7870790–4	1/6/99	11/12/99
Seattle, WA	004–7877856–6	1/8/99	11/19/99
Seattle, WA	004–7875238–9	1/13/99	11/12/99
Tacoma, WA	004–7861076–9	12/8/98	10/22/99
Tacoma, WA	004–7869848–3	12/31/98	11/19/99
Tacoma, WA	004–7955061–8	5/7/99	7/2/99
Chicago, IL	004–7843214–9	11/10/98	11/25/98
Newark, NJ	004–7854863–9	11/30/98	10/15/99
Newark, NJ	004–7872138–4	1/11/99	11/19/99
New York City/JFK	004–7866439–4	12/16/98	10/29/99
Miami, FL	004–7859052–4	12/4/98	10/15/99
Miami, FL	004–7872013–9	1/11/99	11/12/99

SEC. 1425. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF CONVEYOR CHAINS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
110–0790274–3	April 2, 1996
110–0790467–3	April 3, 1996
110–0790424–4	April 8, 1996
110–0790537–3	April 11, 1996
110–0790637–1	April 11, 1996
110–0790754–4	April 17, 1996
110–0790655–3	April 23, 1996
110–0790690–0	April 24, 1996
110–0790938–3	April 29, 1996
110–0791044–9	May 3, 1996
110–0790873–2	May 3, 1996
110–0791060–5	May 8, 1996
110–0791198–3	May 15, 1996
110–0791255–1	May 17, 1996
110–0791403–7	May 31, 1996
110–0791555–4	June 5, 1996
110–0791506–7	June 5, 1996
110–0791665–1	June 11, 1996
110–0791621–4	June 12, 1996
110–0791766–7	June 20, 1996
110–0791863–2	June 24, 1996
110–0791832–7	June 26, 1996
110–0792094–3	July 6, 1996
110–0792098–4	July 10, 1996
110–0792216–2	July 15, 1996
110–0792287–3	July 20, 1996
110–0792366–5	August 1, 1996
110–0792570–2	August 7, 1996
110–0792644–5	August 14, 1996
110–0792790–6	August 22, 1996
110–0792926–6	August 27, 1996
110–0792935–7	August 29, 1996
110–0793053–8	September 5, 1996
110–0793054–6	September 5, 1996
110–0793023–1	September 10, 1996

Entry number	Date of entry
110–0793092–6	September 13, 1996
110–0793246–8	September 16, 1996
110–0793440–7	October 1, 1996
110–0793345–8	October 1, 1996
110–0793499–3	October 3, 1996
110–0793495–1	October 3, 1996
110–0793596–6	October 10, 1996
110–0793542–0	October 14, 1996
110–0793656–8	October 18, 1996
110–0793725–1	October 23, 1996
110–0793775–6	October 28, 1996
110–0793962–0	October 30, 1996
110–0794019–8	November 10, 1996
110–0794066–9	November 11, 1996
110–0793839–0	November 11, 1996
110–0794200–4	November 14, 1996
110–0794242–6	November 15, 1996
110–0794358–0	November 26, 1996
110–0794408–3	November 26, 1996
110–0794335–8	November 27, 1996
110–0794459–6	December 2, 1996
110–0794442–2	December 4, 1996
110–0794610–4	December 9, 1996
110–0794592–4	December 11, 1996
110–0794704–5	December 13, 1996
110–0794667–4	December 19, 1996
110–0794893–6	December 30, 1996
110–0794928–0	December 30, 1996
110–0794965–2	January 4, 1997
110–0795166–6	January 10, 1997
110–0795237–5	January 14, 1997
110–0795256–5	January 15, 1997
110–0795478–5	February 2, 1997
110–0795526–1	February 3, 1997
110–0795484–3	February 6, 1997
110–0795611–1	February 7, 1997
110–0795563–4	February 13, 1997
110–0795757–2	February 17, 1997
110–0795735–8	February 19, 1997
110–0795820–8	February 19, 1997
110–0795968–5	February 27, 1997
110–0795959–4	February 27, 1997
110–0796083–2	March 4, 1997
110–0796289–5	March 17, 1997
110–0796115–2	March 18, 1997
110–0796272–1	March 19, 1997
110–0796375–2	March 20, 1997
110–0796390–1	March 26, 1997
110–0796480–0	March 27, 1997
110–0790469–9	April 3, 1996
110–0791663–6	June 12, 1996
110–0792017–4	July 1, 1996
110–0792106–5	July 10, 1996
110–0792890–4	August 22, 1996
110–0793215–3	September 20, 1996
110–0793340–9	September 23, 1996
110–0793405–0	September 30, 1996
110–0795102–1	January 1, 1997
110–0795349–8	January 23, 1997
110–0795672–3	February 11, 1997

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

SEC. 1431. SHORT TITLE.

This chapter may be cited as the ''Product Development and Testing Act of 2000''.

SEC. 1432. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1)(A) A substantial amount of development and testing occurs in the United States incident to the introduction and manufacture of new products for both domestic consumption and export overseas.

(B) Testing also occurs with respect to merchandise that has already been introduced into commerce to insure that it continues to meet specifications and performs as designed.

(2) The development and testing that occurs in the United States incident to the introduction and manufacture of new products, and with respect to products which have already been introduced into commerce, represents a significant industrial activity employing highly-skilled workers in the United States.

(3)(A) Under the current laws affecting the importation of merchandise, such as the provisions of part I of title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), goods commonly referred to as ''prototypes'', used for product development testing and product evaluation purposes, are subject to customs duty upon their importation into the United States unless the prototypes qualify for duty-free treatment under special trade programs or unless the prototypes are entered under a temporary importation bond.

(B) In addition, the United States Customs Service has determined that the value of prototypes is to be included in the value of production articles if the prototypes are the result of the same design and development effort as the articles.

(4)(A) Assessing duty on prototypes twice, once when the prototypes are imported and a second time thereafter as part of the cost of imported production merchandise, discourages development and testing in the United States, and thus encourages development and testing to occur overseas, since, in that case, duty will only be assessed once, upon the importation of production merchandise.

(B) Assessing duty on these prototypes twice unnecessarily inflates the cost to businesses, thus reducing their competitiveness.

(5) Current methods for avoiding the excessive assessment of customs duties on the importation of prototypes, including the use of temporary importation entries and obtaining drawback, are unwieldy, ineffective, and difficult for both importers and the United States Customs Service to administer.

(b) PURPOSE.—The purpose of this chapter is to promote product development and testing in the United States by permitting the importation of prototypes on a duty-free basis.

SEC. 1433. AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) HEADING.—Subchapter XVII of Chapter 98 is amended by inserting in numerical sequence the following new heading:

''	9817.85.01	Prototypes to be used exclusively for development, testing, product evaluation, or quality control purposes	Free		The rate applicable in the absence of this heading		''.

(b) U.S. NOTE.—The U.S. Notes to subchapter XVII of chapter 98 are amended by adding at the end the following:

''6. The following provisions apply to heading 9817.85.01:

''(a) For purposes of this subchapter, including heading 9817.85.01, the term 'prototypes' means originals or models of articles that—

''(i) are either in the preproduction, production, or postproduction stage and are to be used exclusively for development, testing, product evaluation, or quality control purposes; and

''(ii) in the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development, or quality control in either the product itself or the means for producing the product).

For purposes of clause (i), automobile racing for purse, prize, or commercial competition shall not be considered to be ''development, testing, product evaluation, or quality control.''.

''(b)(i) Prototypes may be imported only in limited noncommercial quantities in accordance with industry practice.

''(ii) Except as provided for by the Secretary of the Treasury, prototypes or parts of prototypes may not be sold after importation into the United States or be incorporated into other products that are sold.

''(c) Articles subject to quantitative restrictions, antidumping orders, or countervailing duty orders may not be classified as prototypes under this note. Articles subject to licensing requirements, or which must comply with laws, rules, or regulations administered by agencies other than the United States Customs Service before being imported, may be classified as prototypes if they comply with all applicable provisions of law and otherwise meet the definition of 'prototypes' under paragraph (a).''.

SEC. 1434. REGULATIONS RELATING TO ENTRY PROCEDURES AND SALES OF PROTOTYPES.

(a) IDENTIFICATION OF PROTOTYPES.—The Secretary of the Treasury shall promulgate regulations regarding the identification of prototypes at the time of importation into the United States in accordance with the provisions of this chapter and the amendments made by this chapter.

(b) SALES OF PROTOTYPES.—Not later than 10 months after the date of enactment of this Act, the Secretary of the Treasury shall promulgate final regulations regarding the sale of prototypes entered under heading 9817.85.01 of the Harmonized Tariff Schedule of the United States as scrap, or waste, or for recycling, if all duties are tendered for sales of the prototypes, including prototypes and parts of prototypes incorporated into other products, as scrap, waste, or recycled materials, at the rate of duty in effect for such scrap, waste, or recycled materials at the time of importation of the prototypes.

SEC. 1435. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to—

(1) an entry of a prototype under heading 9817.85.01, as added by section 1433(a), on or after the date of enactment of this Act; and

(2) an entry of a prototype (as defined in U.S. Note 6(a) to subchapter XVII of chapter 98, as added by section 1433(b)) under heading 9813.00.30 for which liquidation has not become final as of the date of enactment of this Act.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

SEC. 1441. SHORT TITLE.

This chapter may be cited as the ''Dog and Cat Protection Act of 2000''.

SEC. 1442. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) The United States represents one of the largest markets for the sale of fur and fur products in the world. Market demand for fur products in the United States has led to the introduction of dog and cat fur products into United States commerce, frequently based on deceptive or fraudulent labeling of the products to disguise the true nature of the fur and mislead United States wholesalers, retailers, and consumers.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink, and synthetic materials made to resemble real fur. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs, which provides an incentive to engage in unfair or fraudulent trade practices in the importation, exportation, distribution, or sale of fur products, including deceptive labeling and other practices designed to disguise the true contents or origin of the product.

(4) Forensic texts have documented that dog and cat fur products are being imported into the United States subject to deceptive labels or other practices designed to conceal the use of dog or cat fur in the production of wearing apparel, toys, and other products.

(5) Publicly available evidence reflects ongoing significant use of dogs and cats bred expressly for their fur by foreign fur producers for manufacture into wearing apparel, toys, and other products that have been introduced into United States commerce. The evidence indicates that foreign fur producers also rely on the use of stray dogs and cats and stolen pets for the manufacture of fur products destined for the world and United States markets.

(6) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(7) The trade of dog and cat fur products is ethically and aesthetically abhorrent to United States citizens. Consumers in the United States have a right to know if products offered for sale contain dog or cat fur and to ensure that they are not unwitting participants in this gruesome trade.

(8) Persons who engage in the sale of dog or cat fur products, including the fraudulent trade practices identified above, gain an unfair competitive advantage over persons who engage in legitimate trade in apparel, toys, and other products, and derive an unfair benefit from consumers who buy their products.

(9) The imposition of a ban on the sale, manufacture, offer for sale, transportation, and distribution of dog and cat fur products, regardless of their source, is consistent with the international obligations of the United States because it applies equally to domestic and foreign producers and avoids any discrimination among foreign sources of competing products. Such a ban is also consistent with provisions of international agreements to which the United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

(b) PURPOSES.—The purposes of this chapter are to—

(1) prohibit imports, exports, sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products, in order to ensure that United States market demand does not provide an incentive to slaughter dogs or cats for their fur;

(2) require accurate labeling of fur species so that consumers in the United States can make informed choices and ensure that they are not unwitting contributors to this gruesome trade; and

(3) ensure that the customs laws of the United States are not undermined by illicit international traffic in dog and cat fur products.

SEC. 1443. PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

(a) IN GENERAL.—Title III of the Tariff Act of 1930 is amended by inserting after section 307 the following new section:

"SEC. 308. PROHIBITION ON IMPORTATION OF DOG AND CAT FUR PRODUCTS.

''(a) DEFINITIONS.—In this section:

''(1) CAT FUR.—The term 'cat fur' means the pelt or skin of any animal of the species Felis catus.

''(2) INTERSTATE COMMERCE.—The term 'interstate commerce' means the transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

''(3) CUSTOMS LAWS.—The term 'customs laws of the United States' means any other law or regulation enforced or administered by the United States Customs Service.

''(4) DESIGNATED AUTHORITY.—The term 'designated authority' means the Secretary of the Treasury, with respect to the prohibitions under subsection (b)(1)(A), and the President (or the President's designee), with respect to the prohibitions under subsection (b)(1)(B).

''(5) DOG FUR.—The term 'dog fur' means the pelt or skin of any animal of the species Canis familiaris.

''(6) DOG OR CAT FUR PRODUCT.—The term 'dog or cat fur product' means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

''(7) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

''(8) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

''(b) PROHIBITIONS.—

''(1) IN GENERAL.—It shall be unlawful for any person to—

''(A) import into, or export from, the United States any dog or cat fur product; or

''(B) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce in the United States, any dog or cat fur product.

''(2) EXCEPTION.—This subsection shall not apply to the importation, exportation, or transportation, for noncommercial purposes, of a personal pet that is deceased, including a pet preserved through taxidermy.

''(c) PENALTIES AND ENFORCEMENT.—

''(1) CIVIL PENALTIES.—

''(A) IN GENERAL.—Any person who violates any provision of this section or any regulation issued under this section may, in addition to any other civil or criminal penalty that may be imposed under title 18, United States Code, or any other provision of law, be assessed a civil penalty by the designated authority of not more than—

''(i) $10,000 for each separate knowing and intentional violation;

''(ii) $5,000 for each separate grossly negligent violation; or

''(iii) $3,000 for each separate negligent violation.

''(B) DEBARMENT.—The designated authority may prohibit a person from importing, exporting, transporting, distributing, manufacturing, or selling any fur product in the United States, if the designated authority finds that the person has engaged in a pattern or practice of actions that has resulted in a final administrative determination with respect to the assessment of civil penalties for knowing and intentional or grossly negligent violations of any provision of this section or any regulation issued under this section.

''(C) FACTORS IN ASSESSING PENALTIES.—In determining the amount of civil penalties under this paragraph, the designated authority shall take into account the degree of culpability, any history of prior violations under this section, ability to pay, the seriousness of the violation, and such other matters as fairness may require.

''(D) NOTICE.—No penalty may be assessed under this paragraph against a person unless the person is given notice and opportunity for a hearing with respect to such violation in accordance with section 554 of title 5, United States Code.

''(2) FORFEITURE.—Any dog or cat fur product manufactured, taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, imported, or exported contrary to the provisions of this section or any regulation issued under this section shall be subject to forfeiture to the United States.

''(3) ENFORCEMENT.—The Secretary of the Treasury shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(A), and the President shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(B).

''(4) REGULATIONS.—Not later than 270 days after the date of enactment of this section, the designated authorities shall, after notice and opportunity for comment, issue regulations to carry out the provisions of this section. The regulations of the Secretary of the Treasury shall provide for a process by which testing laboratories, whether domestic or foreign, can qualify for certification by the United States Customs Service by demonstrating the reliability of the procedures used for determining the type of fur contained in articles intended for sale or consumption in interstate commerce. Use of a laboratory certified by the United States Customs Service to determine the nature of fur contained in an item to which subsection (b) applies is not required to avoid liability under this section but may, in a case in which a person can establish that the goods imported were tested by such a laboratory and that the item was not found to be a dog or cat fur product, prove dispositive in determining whether that person exercised reasonable care for purposes of paragraph (6).

''(5) REWARD.—The designated authority shall pay a reward of not less than $500 to any person who furnishes information that establishes or leads to a civil penalty assessment, debarment, or forfeiture of property for any violation of this section or any regulation issued under this section.

''(6) AFFIRMATIVE DEFENSE.—Any person accused of a violation under this section has a defense to any proceeding brought under this section on account of such violation if that person establishes by a preponderance of the evidence that the person exercised reasonable care—

''(A) in determining the nature of the products alleged to have resulted in such violation; and

''(B) in ensuring that the products were accompanied by documentation, packaging, and labeling that were accurate as to the nature of the products.

''(7) COORDINATION WITH OTHER LAWS.—Nothing in this section shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the customs laws of the United States.

''(d) PUBLICATION OF NAMES OF CERTAIN VIOLATORS.—The designated authorities shall, at least once each year, publish in the Federal Register a list of the names of any producer, manufacturer, supplier, seller, importer, or exporter, whether or not located within the customs territory of the United States or subject to the jurisdiction of the United States, against whom a final administrative determination with respect to the assessment of a civil penalty for a knowing and intentional or a grossly negligent violation has been made under this section.

''(e) REPORTS.—In order to enable Congress to engage in active, continuing oversight of this section, the designated authorities shall provide the following:

''(1) PLAN FOR ENFORCEMENT.—Within 3 months after the date of enactment of this section, the designated authorities shall submit to Congress a plan for the enforcement of the provisions of this section, including training and procedures to ensure that United States Government personnel are equipped with state-of-the-art technologies to identify potential dog or cat fur products and to determine the true content of such products.

''(2) REPORT ON ENFORCEMENT EFFORTS.—Not later than 1 year after the date of enactment of this section, and on an annual basis thereafter, the designated authorities shall submit a report to Congress on the efforts of the United States Government to enforce the provisions of this section and the adequacy of the resources to do so. The report shall include an analysis of the training of United States Government personnel to identify dog and cat fur products effectively and to take appropriate action to enforce this section. The report shall include the findings of the designated authorities as to whether any

government has engaged in a pattern or practice of support for trade in products the importation of which are prohibited under this section.''.

(b) CONFORMING AMENDMENT.—Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by inserting ''(other than any dog or cat fur product to which section 308 of the Tariff Act of 1930 applies)'' after ''shall not include such articles''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

CHAPTER 4—MISCELLANEOUS PROVISIONS

SEC. 1451. ALTERNATIVE MID-POINT INTEREST ACCOUNTING METHODOLOGY FOR UNDERPAYMENT OF DUTIES AND FEES.

Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by striking ''For the period beginning on'' and all that follows through ''the Secretary may prescribe'' and inserting ''The Secretary may prescribe''.

SEC. 1452. EXCEPTION FROM MAKING REPORT OF ARRIVAL AND FORMAL ENTRY FOR CERTAIN VESSELS.

(a) REPORT OF ARRIVAL AND FORMAL ENTRY OF VESSELS.—(1) Section 433(a)(1)(C) of the Tariff Act of 1930 (19 U.S.C. 1433(a)(1)(C)) is amended by striking ''bonded merchandise, or''.

(2) Section 434(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1434(a)(3)) is amended by striking ''bonded merchandise or''.

(3) Section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) is amended in subsection (a)(2) by striking ''bonded merchandise or''.

(b) ADDITIONAL AMENDMENT.—Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by adding at the end the following new paragraph:

''(6) Any vessel required to anchor at the Belle Isle Anchorage in the waters of the Detroit River in the State of Michigan, for the purposes of awaiting the availability of cargo or berthing space or for the purpose of taking on a pilot or awaiting pilot services, or at the direction of the Coast Guard, prior to proceeding to the Port of Toledo, Ohio, where the vessel makes entry under section 434 or obtains clearance under section 4197 of the Revised Statutes of the United States.''.

SEC. 1453. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) DESIGNATION.—For the 2-year period beginning on the date of the enactment of this Act, the Commissioner of the Customs Service shall designate the San Antonio International Airport in San Antonio, Texas, as an airport at which private aircraft described in subsection (b) may land for processing by the Customs Service in accordance with section 122.24(b) of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of San Antonio International Airport in San Antonio, Texas; and

(2) would otherwise be required to land for processing by the Customs Service at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term ''private aircraft'' has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

(d) REPORT.—The Commissioner of the Customs Service shall prepare and submit to Congress a report on the implementation of this section for 2001 and 2002.

SEC. 1454. INTERNATIONAL TRAVEL MERCHANDISE.

Section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) is amended by adding at the end the following:

''(c) INTERNATIONAL TRAVEL MERCHANDISE.—

''(1) DEFINITIONS.—For purposes of this section—

''(A) the term 'international travel merchandise' means duty-free or domestic merchandise which is placed on board aircraft on international flights for sale to passengers, but which is not merchandise incidental to the operation of a duty-free sales enterprise;

''(B) the term 'staging area' is an area controlled by the proprietor of a bonded warehouse outside of the physical parameters of the bonded warehouse in which manipulation of international travel merchandise in carts occurs;

''(C) the term 'duty-free merchandise' means merchandise on which the liability for payment of duty or tax imposed by reason of importation has been deferred pending exportation from the customs territory;

''(D) the term 'manipulation' means the repackaging, cleaning, sorting, or removal from or placement on carts of international travel merchandise; and

''(E) the term 'cart' means a portable container holding international travel merchandise on an aircraft for exportation.

''(2) BONDED WAREHOUSE FOR INTERNATIONAL TRAVEL MERCHANDISE.—The Secretary shall by regulation establish a separate class of bonded warehouse for the storage and manipulation of international travel merchandise pending its placement on board aircraft departing for foreign destinations.

''(3) RULES FOR TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE AND BONDED WAREHOUSES AND STAGING AREAS.—(A) The proprietor of a bonded warehouse established for the storage and manipulation of international travel merchandise shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. The warehouse proprietor's bond shall also secure the manipulation of international travel merchandise in a staging area.

''(B) A transfer of liability from the international carrier to the warehouse proprietor occurs when the carrier assigns custody of international travel merchandise to the warehouse proprietor for purposes of entry into warehouse or for manipulation in the staging area.

''(C) A transfer of liability from the warehouse proprietor to the international carrier occurs when the bonded warehouse proprietor assigns custody of international travel merchandise to the carrier.

''(D) The Secretary is authorized to promulgate regulations to require the proprietor and the international carrier to keep records of the disposition of any cart brought into the United States and all merchandise on such cart.''.

SEC. 1455. CHANGE IN RATE OF DUTY OF GOODS RETURNED TO THE UNITED STATES BY TRAVELERS.

Subchapter XVI of chapter 98 is amended as follows:

(1) Subheading 9816.00.20 is amended—

(A) effective January 1, 2000, by striking ''10 percent'' each place it appears and inserting ''5 percent'';

(B) effective January 1, 2001, by striking ''5 percent'' each place it appears and inserting ''4 percent''; and

(C) effective January 1, 2002, by striking ''4 percent'' each place it appears and inserting ''3 percent''.

(2) Subheading 9816.00.40 is amended—

(A) effective January 1, 2000, by striking ''5 percent'' each place it appears and inserting ''3 percent'';

(B) effective January 1, 2001, by striking ''3 percent'' each place it appears and inserting ''2 percent''; and

(C) effective January 1, 2002, by striking ''2 percent'' each place it appears and inserting ''1.5 percent''.

SEC. 1456. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN INTERNATIONAL ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter XVII of chapter 98 is amended by inserting in numerical sequence the following new heading:

''	9817.60.00	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, an international athletic event held in the United States, such as the Olympics and Paralympics, the Goodwill Games, the Special Olympics World Games, the World Cup Soccer Games, or any similar international athletic event as the Secretary of the Treasury may determine, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with any such foregoing event by or on behalf of the foregoing persons or the organizing committee of such an event, articles to be used in exhibitions depicting the culture of a country participating in such an event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow			Free	Free''.

(b) TAXES, FEES, INSPECTION.—The U.S. Notes to chapter XVII of chapter 98 are amended by adding at the end the following new note:

''6. Any article exempt from duty under heading 9817.60.00 shall be free of taxes and fees that may otherwise be applicable, but shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.''

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse, for consumption, on or after the date of the enactment of this Act.

(c) TERMINATION OF TEMPORARY PROVISIONS.—Heading 9902.98.08 shall, notwithstanding any provision of such heading, cease to be effective on the date of the enactment of this Act.

SEC. 1457. COLLECTION OF FEES FOR CUSTOMS SERVICES FOR ARRIVAL OF CERTAIN FERRIES.

Section 13031(b)(1)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(iii)) is amended to read as follows:

''(iii) the arrival of a ferry, except for a ferry whose operations begin on or after August 1, 1999, and that operates south of 27 degrees latitude and east of 89 degrees longitude; or''.

SEC. 1458. ESTABLISHMENT OF DRAWBACK BASED ON COMMERCIAL INTERCHANGEABILITY FOR CERTAIN RUBBER VULCANIZATION ACCELERATORS.

(a) IN GENERAL.—The United States Customs Service shall treat the chemical N-cyclohexyl-2-benzothiazolesulfenamide and the chemical N-tert-Butyl-2-benzothiazolesulfenamide as ''commercially interchangeable'' within the meaning of section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) for purposes of permitting drawback under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313.).

(b) APPLICABILITY.—Subsection (a) shall apply with respect to any entry, or withdrawal

from warehouse for consumption, of the chemical N-cyclohexyl-2-benzothiazolesulfenamide before, on, or after the date of the enactment of this Act, that is eligible for drawback within the time period provided in section 313(j)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)(B)).

SEC. 1459. CARGO INSPECTION.

The Commissioner of Customs is authorized to establish a fee-for-service agreement for a period of not less than 2 years, renewable thereafter on an annual basis, at Fort Lauderdale-Hollywood International Airport. The agreement shall provide personnel and infrastructure necessary to conduct cargo clearance, inspection, or other customs services as needed to accommodate carriers using this airport. When such servcies have been provided on a fee-for-service basis for at least 2 years and the commercial consumption entry level reaches 29,000 entries per year, the Commissioner of Customs shall continue to provide cargo clearance, inspection or other customs services, and no charges, other than those fees authorized by section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)), may be collected for those services.

SEC. 1460. TREATMENT OF CERTAIN MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE ENTRY.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following:

''(j) TREATMENT OF MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE TRANSACTION.—In the case of merchandise that is purchased and invoiced as a single entity but—

''(1) is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise, or

''(2) is shipped in separate shipments due to the inability of the carrier to include all of the merchandise in a single shipment (at the instruction of the carrier),

the Customs Service may, upon application by an importer in advance, treat such separate shipments for entry purposes as a single transaction.''.

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations to carry out section 484(j) of the Tariff Act of 1930, as added by subsection (a).

SEC. 1461. REPORT ON CUSTOMS PROCEDURES.

(a) REVIEW AND REPORT.—The Secretary of the Treasury shall—

(1) review, in consultation with United States importers and other interested parties, including independent third parties selected by the Secretary for the purpose of conducting such review, customs procedures and related laws and regulations applicable to goods and commercial conveyances entering the United States; and

(2) report to the Congress, not later than 180 days after the date of enactment of this Act, on changes that should be made to reduce reporting and record retention requirements for commercial parties, specifically addressing changes needed to—

(A) separate fully and remove the linkage between data reporting required to determine the admissibility and release of goods and data reporting for other purposes such as collection of revenue and statistics;

(B) reduce to a minimum data required for determining the admissibility of goods and release of goods, consistent with the protection of public health, safety, or welfare, or achievement of other policy goals of the United States;

(C) eliminate or find more efficient means of collecting data for other purposes that are unnecessary, overly burdensome, or redundant; and

(D) enable the implementation, as soon as possible, of the import activity summary statement authorized by section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) as a means of—

(i) fully separating and removing the linkage between the functions of collecting revenue and statistics and the function of determining the admissibility of goods that must be performed for each shipment of goods entering the United States; and

(ii) allowing for periodic, consolidated filing of data not required for determinations of admissibility.

(b) SPECIFIC MATTERS.—In preparing the report required by subsection (a), the Secretary of the Treasury shall specifically report on the following:

(1) Import procedures, including specific data items collected, that are required prior and subsequent to the release of goods or conveyances, identifying the rationale and legal basis for each procedure and data requirement, uses of data collected, and procedures or data requirements that could be eliminated, or deferred and consolidated into periodic reports such as the import activity summary statement.

(2) The identity of data and factors necessary to determine whether physical inspections should be conducted.

(3) The cost of data collection.

(4) Potential alternative sources and methodologies for collecting data, taking into account the costs and other consequences to importers, exporters, carriers, and the Government of choosing alternative sources.

(5) Recommended changes to the law, regulations of any agency, or other measures that would improve the efficiency of procedures and systems of the United States Government for regulating international trade, without compromising the effectiveness of procedures and systems required by law.

SEC. 1462. DRAWBACKS FOR RECYCLED MATERIALS.

(a) IN GENERAL.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

''(x) DRAWBACKS FOR RECOVERED MATERIALS.—For purposes of subsections (a), (b), and (c), the term 'destruction' includes a process by which materials are recovered from imported merchandise or from an article manufactured from imported merchandise. In determining the amount of duties to be refunded as drawback to a claimant under this subsection, the value of recovered materials (including the value of any tax benefit or royalty payment) that accrues to the drawback claimant shall be deducted from the value of the imported merchandise that is destroyed, or from the value of the merchandise used, or designated as used, in the manufacture of the article.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to drawback claims filed on or after the date of enactment of this Act.

SEC. 1463. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 163 of the Trade Act of 1974 (19 U.S.C. 2213).

(2) Section 181 of the Trade Act of 1974 (19 U.S.C. 2241).

SEC. 1464. IMPORTATION OF GUM ARABIC.

(a) FINDINGS.—The Congress finds the following:

(1) The Republic of the Sudan produces 60 percent of the world's supply of gum arabic in raw form and has a virtual monopoly on the world's supply of the highest grade of gum arabic.

(2) The President imposed comprehensive sanctions against Sudan on November 3, 1997, under Executive Order 13067.

(3) The Secretary of the Treasury, upon recommendation of the Secretary of State, has issued limited licenses each year since the imposition of sanctions against Sudan under Executive Order 13067 to permit United States gum arabic processors to import gum arabic in raw form from Sudan due to a lack of alternative sources in other countries.

(4) The United States gum arabic processing industry consists of three small companies whose existence is threatened by the comprehensive sanctions in effect against Sudan.

(5) The United States gum arabic processing industry is working with the United States Agency for International Development to develop alternative sources of gum arabic in raw form in countries that are not subject to sanctions, but alternative sources of the highest grade of gum arabic in raw form are not currently available.

(b) LICENSE APPLICATIONS TO IMPORT GUM ARABIC FROM SUDAN.—Notwithstanding any other provision of law, the Secretary of the Treasury and the Secretary of State, in consultation with the Secretary of Commerce and the heads of other appropriate agencies—

(1) shall consider promptly any license application by a United States gum arabic processor to import gum arabic in raw form from the Republic of the Sudan; and

(2) in reviewing such license applications by United States gum arabic processors, shall consider whether adequate commercial quantities of the highest grade of gum arabic in raw form are available from countries not subject to United States sanctions in order to allow such United States processors of gum arabic to remain in business.

(c) DEVELOPMENT OF ALTERNATIVE SOURCES OF GUM ARABIC.—The President shall utilize such authority as is available to the President to promote the development in countries other than Sudan of alternative sources of the highest grade of gum arabic in raw form of sufficient commercial quality to be utilized in products intended for human consumption.

(d) DEFINITION.—In this section, the term ''gum arabic in raw form'' means gum arabic of the type described in subheadings 1301.20.00 and 1301.90.90 of the Harmonized Tariff Schedule of the United States.

SEC. 1465. CUSTOMS SERVICES AT THE DETROIT METROPOLITAN AIRPORT.

The Commissioner of the Customs Service shall re-implement the policy in effect prior to January 1, 1999, at the Detroit Metropolitan Airport to provide services at remote locations of the Airport, except that such services shall be provided only on a reimbursable basis.

Subtitle C—Effective Date

SEC. 1471. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. TRADE ADJUSTMENT ASSISTANCE FOR CERTAIN WORKERS AFFECTED BY ENVIRONMENTAL REMEDIATION OR CLOSURE OF A COPPER MINING FACILITY.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a ''qualified worker'' means a worker who—

(A) was employed at the copper mining facility referenced in Trade Adjustment Assistance Certification TAW–31,402 during any part of the period covered by that certification and was separated from employment after the expiration of that certification; and

(B) was necessary for the environmental remediation or closure of such mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 2002. CHIEF AGRICULTURAL NEGOTIATOR.

Section 5314 of title 5, United States Code, is amended by inserting after ''Deputy United States Trade Representatives (3).'' the following:

''Chief Agricultural Negotiator.''.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

SEC. 3001. FINDINGS.

Congress finds that Georgia has—

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction;

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974;

(4) made progress toward democratic rule and creating a free market economic system since its independence from the Soviet Union;

(5) demonstrated strong and effective enforcement of internationally recognized core labor standards and a commitment to continue to improve effective enforcement of its laws reflecting such standards;

(6) committed to developing a system of governance in accordance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the ''Helsinki Final Act'') regarding human rights and humanitarian affairs;

(7) endeavored to address issues related to its national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(8) also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic, or religious discrimination, hostility, or hatred, including anti-Semitism;

(9) continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of Georgia and establishing the legal framework for completion of this process in the future;

(10) concluded a bilateral trade agreement with the United States in 1993 and a bilateral investment treaty in 1994;

(11) demonstrated a strong desire to build a friendly and cooperative relationship with the United States; and

(12) acceded to the World Trade Organization on June 14, 2000, and the extension of unconditional normal trade relations treatment to the products of Georgia will enable the United States to avail itself of all rights under the World Trade Organization with respect to Georgia.

SEC. 3002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO GEORGIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Georgia; and

(2) after making a determination under paragraph (1) with respect to Georgia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Georgia, title IV of the Trade Act of 1974 shall cease to apply to that country.

TITLE IV—IMPORTED CIGARETTE COMPLIANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Imported Cigarette Compliance Act of 2000''.

SEC. 4002. MODIFICATIONS TO RULES GOVERNING REIMPORTATION OF TOBACCO PRODUCTS.

(a) RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.—Section 5754 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

''(a) EXPORT-LABELED TOBACCO PRODUCTS.—

''(1) IN GENERAL.—Tobacco products and cigarette papers and tubes manufactured in the United States and labeled for exportation under this chapter—

''(A) may be transferred to or removed from the premises of a manufacturer or an export warehouse proprietor only if such articles are being transferred or removed without tax in accordance with section 5704;

''(B) may be imported or brought into the United States, after their exportation, only if such articles either are eligible to be released from customs custody with the partial duty exemption provided in section 5704(d) or are returned to the original manufacturer of such article as provided in section 5704(c); and

''(C) may not be sold or held for sale for domestic consumption in the United States unless such articles are removed from their export packaging and repackaged by the original manufacturer into new packaging that does not contain an export label.

''(2) ALTERATIONS BY PERSONS OTHER THAN ORIGINAL MANUFACTURER.—This section shall apply to articles labeled for export even if the packaging or the appearance of such packaging to the consumer of such articles has been modified or altered by a person other than the original manufacturer so as to remove or conceal or attempt to remove or conceal (including by the placement of a sticker over) any export label.

''(3) EXPORTS INCLUDE SHIPMENTS TO PUERTO RICO.—For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

''(b) EXPORT LABEL.—For purposes of this section, an article is labeled for export or contains an export label if it bears the mark, label, or notice required under section 5704(b).

''(c) CROSS REFERENCES.—

''(1) For exception to this section for personal use, see section 5761(c).

''(2) For civil penalties related to violations of this section, see section 5761(c).

''(3) For a criminal penalty applicable to any violation of this section, see section 5762(b).

''(4) For forfeiture provisions related to violations of this section, see section 5761(c).''.

(b) CLARIFICATION OF REIMPORTATION RULES.—Section 5704(d) of such Code (relating to tobacco products and cigarette papers and tubes exported and returned) is amended—

(1) by striking ''a manufacturer of'' and inserting ''the original manufacturer of such'', and

(2) by inserting ''authorized by such manufacturer to receive such articles'' after ''proprietor of an export warehouse''.

(c) REQUIREMENT TO DESTROY FORFEITED TOBACCO PRODUCTS.—The last sentence of subsection (c) of section 5761 of such Code is amended by striking ''the jurisdiction of the United States'' and all that follows through the end period and inserting ''the jurisdiction of the United States shall be forfeited to the United States and destroyed. All vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(e) STUDY.—The Secretary of the Treasury shall report to Congress on the impact of requiring export warehouses to be authorized by the original manufacturer to receive relanded export-labeled cigarettes.

SEC. 4003. TECHNICAL AMENDMENT TO THE BALANCED BUDGET ACT OF 1997.

(a) IN GENERAL.—Subsection (c) of section 5761 of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 9302 of the Balanced Budget Act of 1997.

SEC. 4004. REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following:

''TITLE VIII—REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES

''SEC. 801. DEFINITIONS.

''In this title:

''(1) SECRETARY.—Except as otherwise indicated, the term 'Secretary' means the Secretary of the Treasury.

''(2) PRIMARY PACKAGING.—The term 'primary packaging' refers to the permanent packaging inside of the innermost cellophane or other transparent wrapping and labels, if any. Warnings or other statements shall be deemed 'permanently imprinted' only if printed directly on such primary packaging and not by way of stickers or other similar devices.

''SEC. 802. REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES.

''(a) GENERAL RULE.—Except as provided in subsection (b), cigarettes may be imported into the United States only if—

''(1) the original manufacturer of those cigarettes has timely submitted, or has certified that it will timely submit, to the Secretary of Health and Human Services the lists of the ingredients added to the tobacco in the manufacture of such cigarettes as described in section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

''(2) the precise warning statements in the precise format specified in section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

''(A) the primary packaging of all those cigarettes; and

''(B) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers;

''(3) the manufacturer or importer of those cigarettes is in compliance with respect to those cigarettes being imported into the United States with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c));

''(4) if such cigarettes bear a United States trademark registered for such cigarettes, the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the

importation of such cigarettes into the United States; and

''(5) the importer has submitted at the time of entry all of the certificates described in subsection (c).

''(b) EXEMPTIONS.—Cigarettes satisfying the conditions of any of the following paragraphs shall not be subject to the requirements of subsection (a):

''(1) PERSONAL-USE CIGARETTES.—Cigarettes that are imported into the United States in personal use quantities that are allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States.

''(2) CIGARETTES IMPORTED INTO THE UNITED STATES FOR ANALYSIS.—Cigarettes that are imported into the United States solely for the purpose of analysis in quantities suitable for such purpose, but only if the importer submits at the time of entry a certificate signed, under penalties of perjury, by the consignee (or a person authorized by such consignee) providing such facts as may be required by the Secretary to establish that such consignee is a manufacturer of cigarettes, a Federal or State government agency, a university, or is otherwise engaged in bona fide research and stating that such cigarettes will be used solely for analysis and will not be sold in domestic commerce in the United States.

''(3) CIGARETTES INTENDED FOR NONCOMMERCIAL USE, REEXPORT, OR REPACKAGING.—Cigarettes—

''(A) for which the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

''(B) for which the importer submits a certificate signed by the manufacturer or export warehouse (or a person authorized by such manufacturer or export warehouse) to which such cigarettes are to be delivered (as provided in subparagraph (A)) stating, under penalties of perjury, with respect to those cigarettes, that it will not distribute those cigarettes into domestic commerce unless prior to such distribution all steps have been taken to comply with paragraphs (1), (2), and (3) of subsection (a), and, to the extent applicable, section 5754(a)(1) (B) and (C) of the Internal Revenue Code of 1986.

For purposes of this section, a trademark is registered in the United States if it is registered in the United States Patent and Trademark Office under the provisions of title I of the Act of July 5, 1946 (popularly known as the 'Trademark Act of 1946'), and a copy of the certificate of registration of such mark has been filed with the Secretary. The Secretary shall make available to interested parties a current list of the marks so filed.

''(c) CUSTOMS CERTIFICATIONS REQUIRED FOR CIGARETTE IMPORTS.—The certificates that must be submitted by the importer of cigarettes at the time of entry in order to comply with subsection (a)(5) are—

''(1) a certificate signed by the manufacturer of such cigarettes or an authorized official of such manufacturer stating under penalties of perjury, with respect to those cigarettes, that such manufacturer has timely submitted, and will continue to submit timely, to the Secretary of Health and Human Services the ingredient reporting information required by section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

''(2) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that—

''(A) the precise warning statements in the precise format required by section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

''(i) the primary packaging of all those cigarettes; and

''(ii) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers; and

''(B) with respect to those cigarettes being imported into the United States, such importer has complied, and will continue to comply, with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c)); and

''(3)(A) if such cigarettes bear a United States trademark registered for cigarettes, a certificate signed by the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) stating under penalties of perjury that such owner (or authorized person) consents to the importation of such cigarettes into the United States; and

''(B) a certificate signed by the importer or an authorized official of such importer stating under penalties of perjury that the consent referred to in subparagraph (A) is accurate, remains in effect, and has not been withdrawn.

The Secretary may provide by regulation for the submission of certifications under this section in electronic form if, prior to the entry of any cigarettes into the United States, the person required to provide such certifications submits to the Secretary a written statement, signed under penalties of perjury, verifying the accuracy and completeness of all information contained in such electronic submissions.

''SEC. 803. ENFORCEMENT.

''(a) CIVIL PENALTY.—Any person who violates a provision of section 802 shall, in addition to the tax and any other penalty provided by law, be liable for a civil penalty for each violation equal to the greater of $1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

''(b) FORFEITURES.—Any tobacco product, cigarette papers, or tube that was imported into the United States or is sought to be imported into the United States in violation of, or without meeting the requirements of, section 802 shall be forfeited to the United States. Notwithstanding any other provision of law, any product forfeited to the United States pursuant to this title shall be destroyed.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

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

Mr. ROTH. Mr. President, I applaud the passage of H.R. 4868. This bill includes a critically important provision that I first introduced on June 9, 1999, that bans the importation of products made with dog or cat fur. An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. We want this trade in dog and cats pelts to stop at our borders, and hopefully save millions of animals from this cruel practice. I have worked very hard to see this bill come to fruition, and I urge the President to sign it into law.

We are also helping companies across the United States to reduce their costs on vital inputs used in manufacturing a wide variety of products. Among these are provisions that help reduce the costs of potentially life-saving medicines used to treat HIV and AIDS.

I am particularly proud that this bill will have an immediate and positive impact on my home state of Delaware. There are provisions in this bill that reduce duties on imports used by Delaware companies to manufacture final products.

There are also restrictions on cigarette imports included in this legislation that will help ensure that cigarettes entering our market will fully comply with all health and labeling requirements. It will also ensure that Delaware receives its full share of payments under the tobacco settlement agreement, which will likely mean millions of additional dollars to my State and others.

THE CALENDAR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the following Energy bills which are at the desk: H.R. 5083, H.R. 4957, H.R. 5331, H.R. 4404.

I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

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

TO EXTEND THE AUTHORITY OF LOS ANGELES UNIFIED SCHOOL DISTRICT TO CERTAIN PARK LANDS

The bill (H.R. 5083) to extend the authority of the Los Angeles Unified School District to use certain park lands in the City of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes, was considered, ordered to a third reading, read the third time, and passed.

TO AMEND THE OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

The bill (H.R. 4957) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZING THE FREDERICK DOUGLASS GARDENS, INC., TO ESTABLISH MEMORIAL IN HONOR OF FREDERICK DOUGLASS

The bill (H.R. 5331) to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass, was considered, ordered to a third reading, read the third time, and passed.

PAYMENT OF MEDICAL EXPENSES BY U.S. PARK POLICE

The bill (H.R. 4404) to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZING THE ATTORNEY GENERAL TO PROVIDE GRANTS TO FIND MISSING ADULTS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2780, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2780) to authorize the Attorney General to provide grants for organizations to find missing adults.

There being no objection, the Senate proceeded to consider the bill.

Mr. EDWARDS. Mr. President, I rise today to thank my colleagues for supporting Kristen's Act. Representative SUE MYRICK introduced this essential crime prevention legislation on the House side, and I introduced the Senate companion. With the Senate's action today, this measure will be set to become law. I am grateful to Representative MYRICK for her tireless efforts towards ensuring that Kristen's Act becomes law. The legislation will help public agencies and nonprofit organizations provide desperately needed assistance to law enforcement and families in locating involuntarily missing adults.

I would also like to thank Senators LEAHY and HATCH. They deserve special praise for their constant support of victim advocacy initiatives and their fight to put a stop to crime in our Nation.

Kristen's Law was inspired by the story of a young woman from North Carolina, Kristen Modafferi. On June 23, 1997, just three weeks after her 18th birthday, Kristen disappeared. Despite tireless efforts by law enforcement to locate Kristen, she has not been seen since. And tragically, the National Center for Missing and Exploited Children was unable to assist with the search, all because Kristen had passed the age of 18.

Unfortunately, Kristen's story is not unique. Numerous other cases involving the disappearance of young adults are reported to authorities every year. During 1999, in North Carolina, the Mecklenburg County Sheriff's Office received reports of 132 missing persons ages 18 through 21. That's the number for just one age group, in just one county, in just one state in the country. When we look at nationwide statistics for missing adults, what we find is staggering. For example, as of February 1999, the FBI reported that there were more than 38,000 active missing person entries for adults over the age of eighteen. This is frighteningly large number.

That is why I believe that Kristen's Act is a necessary protective measure. It will not only provide some comfort to the millions of parents who send their children to college every year and worry about their safety, but it will help ensure that when an adult of any age is determined missing due to foul play, a national effort will be mobilized to help.

When a person involuntarily disappears, time is of the essence. Search efforts must begin quickly, and they must reach across jurisdictions. Abducted individuals are often taken across state lines. In order to effectively coordinate a search, the groups conducting the search must have an easy way to share information with each other, no matter how far away from one another they may be. Kristen's Act will help facilitate communication between search parties through the establishment of a national database to track involuntarily missing adults.

The greater the number of agencies helping in the search, the more likely it is that the person will be found. But there is no central organization that exists to aid law enforcement in their efforts to locate missing adults. Unfortunately, Kristen's tragic story illustrates the need for such an organization. Kristen's Act will help enable this to happen by providing funds to help establish a national clearinghouse for missing adults.

Mr. President, I believe that it is important to mention that it is true that some individuals may disappear because they want to. Some of these individuals may live in abusive households. Others may want to start a new life. And because they are considered legal adults, they have the choice to remain missing. In these cases, it may not make sense of law enforcement, the Center, or anyone else to launch a search.

That is why I believe the Attorney General should ensure that under Kristen's Act, grants will be given out only to organizations that have demonstrated they have in place clear, effective methods of distinguishing between disappearances that are voluntary and those that may involve foul play. And that is why Kristen's Act specifies that if a national database is set up, it will be used to track only those missing adults who have first been determined by law enforcement to be endangered due to age, diminished mental capacity or suspicious circumstances.

There are many individuals who really do need help. In those instances, Kristen's Act sends a message to families that they deserve whatever assistance is necessary to locate endangered and involuntarily missing loved ones. The bill will help ensure that all involuntarily missing adults—regardless of age—will receive not only the benefit of search efforts by law enforcement, but also by experienced, specialized organizations.

Mr. President, I believe we must do everything we can to prevent situations like the one that Kristen Modafferi and her family have suffered through. The bill we passed today goes a long way toward achieving this goal. Again, I commend my colleagues for recognizing its importance.

Mr. BROWNBACK. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 2780) was read the third time and passed.

MILITARY EXTRATERRITORIAL JURISDICTION ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill S. 768.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 768) entitled ''An Act to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Extraterritorial Jurisdiction Act of 2000''.

SEC. 2. FEDERAL JURISDICTION.

(a) CERTAIN CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

''CHAPTER 212—MILITARY EXTRATERRITORIAL JURISDICTION

''Sec.
''3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States.
''3262. Arrest and commitment.
''3263. Delivery to authorities of foreign countries.
''3264. Limitation on removal.
''3265. Initial proceedings.
''3266. Regulations.
''3267. Definitions.

''§ 3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States

''(a) Whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States—

''(1) while employed by or accompanying the Armed Forces outside the United States; or

''(2) while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice),

shall be punished as provided for that offense.

''(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

''(c) Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

''(d) No prosecution may be commenced against a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice) under this section unless—

''(1) such member ceases to be subject to such chapter; or

''(2) an indictment or information charges that the member committed the offense with one or more other defendants, at least one of whom is not subject to such chapter.

''§ 3262. Arrest and commitment

''(a) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).

''(b) Except as provided in sections 3263 and 3264, a person arrested under subsection (a) shall be delivered as soon as practicable to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such subsection unless such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

''§ 3263. Delivery to authorities of foreign countries

''(a) Any person designated and authorized under section 3262(a) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have violated section 3261(a) if—

''(1) appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

''(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

''(b) The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

''§ 3264. Limitation on removal

''(a) Except as provided in subsection (b), and except for a person delivered to authorities of a foreign country under section 3263, a person arrested for or charged with a violation of section 3261(a) shall not be removed—

''(1) to the United States; or

''(2) to any foreign country other than a country in which such person is believed to have violated section 3261(a).

''(b) The limitation in subsection (a) does not apply if—

''(1) a Federal magistrate judge orders the person to be removed to the United States to be present at a detention hearing held pursuant to section 3142(f);

''(2) a Federal magistrate judge orders the detention of the person before trial pursuant to section 3142(e), in which case the person shall be promptly removed to the United States for purposes of such detention;

''(3) the person is entitled to, and does not waive, a preliminary examination under the Federal Rules of Criminal Procedure, in which case the person shall be removed to the United States in time for such examination;

''(4) a Federal magistrate judge otherwise orders the person to be removed to the United States; or

''(5) the Secretary of Defense determines that military necessity requires that the limitations in subsection (a) be waived, in which case the person shall be removed to the nearest United States military installation outside the United States adequate to detain the person and to facilitate the initial appearance described in section 3265(a).

''§ 3265. Initial proceedings

''(a)(1) In the case of any person arrested for or charged with a violation of section 3261(a) who is not delivered to authorities of a foreign country under section 3263, the initial appearance of that person under the Federal Rules of Criminal Procedure—

''(A) shall be conducted by a Federal magistrate judge; and

''(B) may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

''(2) In conducting the initial appearance, the Federal magistrate judge shall also determine whether there is probable cause to believe that an offense under section 3261(a) was committed and that the person committed it.

''(3) If the Federal magistrate judge determines that probable cause exists that the person committed an offense under section 3261(a), and if no motion is made seeking the person's detention before trial, the Federal magistrate judge shall also determine at the initial appearance the conditions of the person's release before trial under chapter 207 of this title.

''(b) In the case of any person described in subsection (a), any detention hearing of that person under section 3142(f)—

''(1) shall be conducted by a Federal magistrate judge; and

''(2) at the request of the person, may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

''(c)(1) If any initial proceeding under this section with respect to any such person is conducted while the person is outside the United States, and the person is entitled to have counsel appointed for purposes of such proceeding, the Federal magistrate judge may appoint as such counsel for purposes of such hearing a qualified military counsel.

''(2) For purposes of this subsection, the term 'qualified military counsel' means a judge advocate made available by the Secretary of Defense for purposes of such proceedings, who—

''(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(B) is certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member.

''§ 3266. Regulations

''(a) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations governing the apprehension, detention, delivery, and removal of persons under this chapter and the facilitation of proceedings under section 3265. Such regulations shall be uniform throughout the Department of Defense.

''(b)(1) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations requiring that, to the maximum extent practicable, notice shall be provided to any person employed by or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

''(2) A failure to provide notice in accordance with the regulations prescribed under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

''(c) The regulations prescribed under this section, and any amendments to those regulations, shall not take effect before the date that is 90 days after the date on which the Secretary of Defense submits a report containing those regulations or amendments (as the case may be) to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

''§ 3267. Definitions

''As used in this chapter:

''(1) The term 'employed by the Armed Forces outside the United States' means—

''(A) employed as a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department), as a Department of Defense contractor (including a subcontractor at any tier), or as an employee of a Department of Defense contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily resident in the host nation.

''(2) The term 'accompanying the Armed Forces outside the United States' means—

''(A) a dependent of—

''(i) a member of the Armed Forces;

''(ii) a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(iii) a Department of Defense contractor (including a subcontractor at any tier) or an employee of a Department of Defense contractor (including a subcontractor at any tier);

''(B) residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

''(C) not a national of or ordinarily resident in the host nation.

''(3) The term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a)(4) of title 10.

''(4) The terms 'Judge Advocate General' and 'judge advocate' have the meanings given such terms in section 801 of title 10.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following new item:

''212. Military extraterritorial jurisdiction ..... 3261''.

Amend the title so as to read ''An Act to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.''.

Mr. SESSIONS. Mr. President, I commend my colleague from Vermont, Senator LEAHY, for his support in getting this bill passed. Our Armed Forces and their families are in desperate need of this legislation and it has been a long time coming. This legislation

closes a legal loophole which prevented effective prosecution of certain crime committed by civilians accompanying the Armed Forces overseas. When civilian dependents, contractors, and Federal employees go overseas with the military, the Uniform Code of Military Justice and the Federal criminal code generally do not apply to them. Therefore, if one of these civilians commits a criminal act—even a serious one such as rape or child molestation—then he or she could be beyond the reach of Federal law if the foreign authorities refuse or neglect to prosecute. Surprisingly, host countries often choose to not prosecute American civilians, especially where the crime was committed against another American or against property owned by an American or the U.S. Government. That is why this legislation is needed.

Since this legislation initially passed the Senate on July 1, 1999, the House of Representatives, under the leadership of Representative MCCOLLUM of Florida, took the bill and further refined it based upon concerns that arose after Senate Consideration. In addition, Mr. MCCOLLUM submitted House Report 106–778 to accompany the House version of the bill—H.R. 3380. This report does an outstanding job of outlining the background and need for this legislation. The report also includes a section-by-section analysis and discussion of the legislation. We have agreed to incorporate the text of H.R. 3380 into this final bill. I have reviewed House Report 106–778, and I agree with it. I believe that report reflects the intentions of the Senate. At this time, I yield to my distinguished colleague from Vermont.

Mr. LEAHY. Thank you, Senator SESSIONS. Mr. President, I too, want to congratulate and commend my distinguished colleague from Alabama for his leadership and perseverance in getting this legislation passed. I fully support S. 768, which I believe was significantly improved with this most recent substitute amendment. The due process considerations regarding appearances before U.S. Magistrates before removing civilians from overseas were added after earlier Senate consideration and, I believe, improve the bill. This important legislation will close a gap in Federal law that has existed for many years. With foreign nations often not interested in prosecuting crimes against Americans, particularly when committed by an American, the result is a jurisdictional gap that allows some civilians to literally get away with murder. The House Report 106–778, which Senator SESSIONS just referred to a moment ago, outlines many of the problems resulting from this loophole. I agree with Senator SESSIONS with respect to the report. I am glad this legislation will pass this Congress because the gap that has allowed individuals accompanying our military personnel overseas to go unpunished for heinous crimes must be closed. That is why I have been a strong proponent and cosponsor of this legislation. I yield the floor.

Mr. LEAHY. Mr. President, I am pleased that the Senate is voting on final passage of S. 768, the Military and Extraterritorial Jurisdiction Act. I have worked on this issue for some time now and believe that the Congress should promptly move forward with this important legislation.

Specifically, in the last Congress, I originally introduced most of the provisions in this bill as part of the comprehensive crime bill, S. 2484, the Safe Schools, Safe Streets and Secure Borders Act of 1998. On the first day of this Congress, I again included these provisions in S. 9, the Safe Schools, Safe Streets and Secure Borders Act of 1999. Last year, I was pleased to join Senators SESSIONS and DEWINE in supporting the Sessions-Leahy-DeWine substitute amendment to S. 768, which was reported favorably by the Senate Judiciary Committee and then passed unanimously by the Senate on July 1, 1999, over a year ago. The bill then sat in a House subcommittee for almost one year until the House of Representatives finally took action in late July, 2000 to consider and pass an amended version of S. 768.

S. 768 closes a gap in federal law that has existed for many years and permitted individuals who accompanied military personnel overseas to ''get away with murder.'' Foreign nations often have no interest in vindicating crimes against American servicemen stationed overseas, particularly when committed by Americans, The lack of Federal jurisdiction over such crimes has allowed the perpetrators to go unpunished. This bill establishes authority for, and sets up procedures to implement the exercise of, Federal jurisdiction over felony crimes committed by certain people overseas.

I had some concerns with certain aspects of S. 768, as originally introduced, and worked to address those concerns and improve the bill in the Sessions-Leahy-DeWine substitute amendment. For example, the original bill would have extended court-martial jurisdiction over DOD employees and contractors whenever they accompanied our Armed Forces overseas. I was concerned that this extension of court-martial jurisdiction ran afoul of the Supreme Court's decisions in *Reid* v. *Covert*, 354 U.S. 1 (1957), *Kinsella* v. *Singleton*, 361 U.S. 234 (1960) and *Toth v. Quarles*, 350 U.S. 11 (1955). Those rulings made clear that court-martial jurisdiction may not be constitutionally applied to crimes committed in peacetime by persons accompanying the armed forces overseas, or to crimes committed by a former member of the armed services.

We made progress in the Sessions—Leahy-DeWine substitute amendment passed by the Senate to limit the proposed extension of court-martial jurisdiction to DOD employees and contractors, and ensure its application only in times when the armed forces are engaged in ''contingency operation'' involving a war or national emergency declared by the Congress or the President. While his correction would, in my view, have comported with the Supreme Court rulings on this issue and cured any constitutional infirmity with the original language, I appreciate the action of the House to remove altogether this section of the bill, which had originally given me concern.

In addition, the original bill contained a provision that would have deemed any delay in bringing a person before a magistrate due to transporting the person back to the U.S. from overseas as ''justifiable.'' I was concerned that this provision could end up excusing lengthy and unreasonable delays in getting a civilian, who was arrested overseas, before a U.S. Magistrate, and thereby raise due process and other constitutional concerns.

The Sessions-Leahy-DeWine substitute cured that potential problem by eliminating the ''justifiable'' delay provision in the original bill. Thus, the general standard from Federal Rule of Criminal Procedure 5 about avoiding unnecessary delays in bringing an arrested person before a magistrate would apply to the removal of a civilian from overseas to answer charges in the United States.

The House has made further improvements to the removal and detention procedures in the bill, and I support them. In particular, the House has clarified the procedures necessary to protect the rights of the accused in both removal and detention hearings, and to facilitate and expedite the conduct of initial appearances by the accused before federal magistrate judges.

Finally, S. 768 as introduced authorized the Department of Defense to determine which foreign officials constitute the appropriate authorities to whom an arrested civilian should be delivered. I urged that DOD make this determination in consultation with the Department of State, and the Sessions-Leahy-DeWine substitute amendment adopted such a consultation requirement. I am pleased that the House maintained this part of the substitute amendment in House-passed version of the legislation and requires consultation with the Department of State.

The inaction of the Congress on closing the jurisdictional gap that has existed over the criminal actions of civilian on military installations overseas has been the source of terrible injustice. For example, most recently the Second Circuit Court of Appeals was compelled to reverse a conviction and dismiss an indictment of sexual abuse of a minor committed by a civilian at a military base in Germany. The Court took the ''unusual step of directing the Clerk of the court to forward a copy this opinion'' to the relevant Committees of the Congress. We have gotten our wake-up call and should waste no more time to send this legislation to the President.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

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

AMENDING TITLE 44, U.S. CODE, TO ENSURE PRESERVATION OF THE RECORDS OF THE FREEDMEN'S BUREAU

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5157, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5157) to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (H.R. 5157) was read the third time and passed.

PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3045, and the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3045) to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, on June 9, 1999, our departed friend and colleague, the former senior Senator from Georgia, introduced the National Forensic Sciences Improvement Act of 1999. This important legislative initiative called for an infusion of Federal funds to improve the quality of State and local forensic science services. I am pleased that Senator SESSIONS has revived the bill, and that we are passing it today as the Paul Coverdell National Forensic Sciences Improvement Act of 2000, S. 3045.

The use of quality forensic science services is widely accepted as a key to effective crime-fighting, especially with advanced technologies such as DNA testing. Over the past decade, DNA testing has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene. Because of its scientific precision, DNA testing can, in some cases, conclusively establish a suspect's guilt or innocence. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value for investigators.

While DNA's power to root out the truth has been a boon to law enforcement, it has also been the salvation of law enforcement's mistakes—those who for one reason or another, are prosecuted and convicted of crimes that they did not commit. In more than 75 cases in the United States and Canada, DNA evidence has led to the exoneration of innocent men and women who were wrongfully convicted. This number includes at least 9 individuals sentenced to death, some of whom came within days of being executed. In more than a dozen cases, moreover, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the real perpetrator.

Clearly, forensic science services like DNA testing are critical to the effective administration of justice in 21st century America.

Forensic science workloads have increased significantly over the past five years, both in number and complexity. Since Congress established the Combined DNA Index System in the mid-1990s, States have been busy collecting DNA samples from convicted offenders for analysis and indexing. Increased Federal funding for State and local law enforcement programs has resulted in more and better trained police officers who are collecting immense amounts of evidence that can and should be subjected to crime laboratory analysis.

Funding has simply not kept pace with this increasing demand, and State crime laboratories are now seriously bottlenecked. Backlogs have impeded the use of new technologies like DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as laboratories are required to give priority status to those cases in which a suspect is known. In some parts of the country, investigators must wait several months—and sometimes more than a year—to get DNA test results from rape and other violent crime evidence. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large, victims continue to anguish, and statutes of limitation on prosecution expire.

Let me describe the situation in my home State. The Vermont Forensics Laboratory is currently operating in an old Vermont State Hospital building in Waterbury, Vermont. Though it is proudly one of only two fully-accredited forensics labs in New England, it is trying to do 21st century science in a 1940's building. The lab has very limited space and no central climate control—both essential conditions for precise forensic science. It also has a large storage freezer full of untested DNA evidence from unsolved cases, for which there are no other leads besides the untested evidence. The evidence is not being processed because the lab does not have the space, equipment or manpower.

I commend the scientists and lab personnel at the Vermont Forensics Laboratory for the fine work they do everyday under difficult circumstances. But the people of the State of Vermont deserve better. This is our chance to provide them with the facilities and equipment they deserve.

Passage of the Paul Coverdell National Forensic Sciences Improvement Act will give States like Vermont the help they desperately need to handle the increased workloads placed upon their forensic science systems. It allocates $738 million over the next six years for grants to qualified forensic science laboratories and medical examiner's offices for laboratory accreditation, automated equipment, supplies, training, facility improvements, and staff enhancements.

I have worked with Senator SESSIONS to revise the bill's allocation formula to make it fair for all States. We have agreed to add a minimum allocation of .06 percent of the total appropriation for each fiscal year for smaller states and have increased the maximum percentage of federal funds available for facility costs from 40 percent to 80 percent for these smaller states. This is only fair for smaller States with limited tax bases and other finite resources, such as my home State of Vermont.

The bill we pass today also authorizes $30 million for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and other related purposes. I support this provision, although I regret that it does not go further. Senator SCHUMER and I have proposed increasing this authorization by $25 million, which is the amount needed to eliminate the backlog of untested crime scene evidence from unsolved crimes. This backlog is as serious a problem as the convicted offender sample backlog, and we should take the opportunity to address it now.

I am also deeply disappointed that S. 3045 fails to address the urgent need to increase access to DNA testing for prisoners who were convicted before this truth-seeking technology became widely available. Prosecutors and law enforcement officers across the country use DNA testing to prove guilt, and rightly so. By the same token, however, it should be used to do what is equally scientifically reliable to do—prove innocence.

I was greatly heartened earlier this month when the Governor of Virginia finally pardoned Earl Washington, after new DNA tests confirmed what earlier DNA tests had shown: He was the wrong guy. He was the 88th wrong guy discovered on death row since the reinstatement of capital punishment. His case only goes to show that we cannot sit back and assume that prosecutors and courts will do the right thing

when it comes to DNA. It took Earl Washington years to convince prosecutors to do the very simple tests that would prove his innocence, and more time still to win a pardon. And he is still in prison today.

States like Virginia continue to stonewall on requests for DNA testing. They continue to hide behind time limits and procedural default rules to deny prisoners the right to present DNA test results in court. They are still destroying the DNA evidence that could set innocent people free. These sorts of practices must stop. We should not pass up the promise of truth and justice for both sides of our adversarial system that DNA evidence offers.

By passing S. 3045, we substantially increase funding to improve the quality and availability of DNA analysis for law enforcement purposes. That is an appropriate use of Federal funds. But we at least ought to require that this truth-seeking technology be made available to both sides.

I proposed a modest Sense of Congress amendment to S. 3045, which the Senate is passing today. It describes how DNA testing can and has resulted in the post-conviction exoneration of scores of innocent men and women, including some under sentence of death, and expresses the sense of Congress that we should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases. Because post-conviction DNA testing has shown that innocent people are sentenced to death in this country with alarming frequency, and because the most common constitutional error in capital cases is egregiously incompetent defense lawyering, my amendment also calls on Congress to work with the States to improve the quality of legal representation in capital cases through the establishment of counsel standards.

I introduced legislation in this Congress that would have accomplished both of these things. The Innocence Protection Act of 2000 contains meaningful reforms that I believe could save innocent lives. As the 106th Congress winds down, we have 14 cosponsors in the Senate, and about 80 in the House. We have Democratic and Republican cosponsors, supporters of the death penalty and opponents. President Clinton, Vice-President GORE, and Attorney General Reno have all expressed support for the bill.

Tragically, real reform of our nation's capital punishment system foundered on the shoals of election-year politics. But with the Sense of Congress provision that we pass today, at least we have agreed on a blueprint for effective reform legislation in the 107th Congress.

Finally, I want to discuss another amendment that I proposed, together with Senator SESSIONS, and that the Senate passes today. It concerns the Civil Asset Forfeiture Reform Act of 2000, which the Senate passed on March 27, 2000.

The Civil Asset Forfeiture Reform Act was an important step forward, and I want to thank Mr. HYDE, Mr. CONYERS and Senators SESSIONS, SCHUMER, BIDEN, and all others who worked with us in good faith to enact these long overdue reforms. At the same time, there was some unfinished business in connection with this legislation that my amendment completes.

The bill that the Senate passed by unanimous consent on March 27th was supposed to be a substitute amendment to H.R. 1658. I had been led to believe that the substitute was word-for-word that which I had painstakingly worked out over the preceding weeks for approval by the Senate Committee on the Judiciary the previous Thursday, March 23, 2000. Imagine my surprise to see reprinted in the RECORD the next day a substitute amendment at variance with the version to which I had agreed to and at variance with the language that had been circulated to and approved by the Committee.

Specifically, the agreed upon version of the bill would amend section 983(a)(2)(C) of title 18, United States Code, to describe what a claimant in a civil asset forfeiture case must state to assert a claim. The amendment to which I agreed and which the Judiciary Committee ''ordered reported'' requires that a ''claim shall—(i) identify the specific property being claimed; (ii) state the claimant's interest in such property; and (iii) be made under oath, subject to penalty of perjury.''

By contrast, the version of the amendment submitted to the Senate for passage contained the following additional clause in subparagraph (ii): ''state the claimant's interest in such property (and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous''. I did not approve the language inserted in the version considered by the Senate and this language was not approved by the Judiciary Committee.

The inserted language is superfluous at best, since even without it, a claimant must provide evidence of his interest in the property early in the proceeding or face summary dismissal for lack of standing. Moreover, a claim already must be made under oath and penalty of perjury.

At worst, the inserted language is an invitation for mischief in an area where the record has already amply demonstrated overreaching by law enforcement agencies. At the claim stage, most claimants do not have counsel. Many are uneducated and unsophisticated. They may not know what ''customary documentary evidence'' means, and even if they do, they may not know how to get it. It is not so simple for such individuals to obtain a bank statement or a title document, much less to obtain such documents within the 30 days afforded by the Act. They may be deterred from filing a claim simply because they cannot produce documentary evidence—even if no documentary evidence exists.

Take for example an all cash seizure. What constitutes ''customary documentary evidence'' of an interest in cash? An ATM receipt? A bank record? What about money that is received from legitimate sources other than financial institutions. A waiter would be hard pressed to produce documentary evidence of his interest in tip money.

Beyond this, the inserted language gives seizing agencies too much discretion to reject claims because the documentary evidence is incomplete or otherwise unsatisfactory, and prior experience tells us that agencies may exercise their discretion to deny claims arbitrarily.

The requirement that claims be certified as non-frivolous is also problematic. If an uncounseled claimant certifies in good faith that his claim is not frivolous, and a court ultimately determines otherwise, would the claimant be put at risk of a perjury prosecution? Even the threat of such risks puts additional burdens on claimants and may dissuade claimants from filing claims.

In sum, the inserted language has the potential to deter valid claims as well as frivolous claims, and it is unnecessary: Frivolous claims will be dismissed anyway, when the claimant is unable to meet his burden of establishing standing.

For these reasons, I had objected to insertion of this language and approved a substitute amendment that did not contain this problematic insert. Moreover, the version of that substitute amendment ''ordered reported'' by the Judiciary Committee and in the Committee's official files simply does not contain that problematic insert.

We rely every day on each other and on the professionalism of our staffs. Having raised my concern about the change as soon as it was discovered, I am pleased that Chairman HATCH and Senator SESSIONS have worked with me to pass a correction to the law that strikes the language that was added without agreement.

I hope that the House will move quickly to pass the Paul Coverdell National Forensic Sciences Improvement Act, as amended, before it winds up its work for the year.

AMENDMENT NO. 4345

Mr. BROWNBACK. 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 Kansas [Mr. BROWNBACK], for Mr. SESSIONS, proposes an amendment numbered 4345.

The amendment reads as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Paul Coverdell National Forensic Sciences Improvement Act of 2000''.

SEC. 2. IMPROVING THE QUALITY, TIMELINESS, AND CREDIBILITY OF FORENSIC SCIENCE SERVICES FOR CRIMINAL JUSTICE PURPOSES.

(a) DESCRIPTION OF DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 375(b)) is amended—

(1) in paragraph (25), by striking ''and'' at the end;

(2) in paragraph (26), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.''.

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

''(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

''(A) forensic science laboratory or forensic science laboratory system, that—

''(i) employs 1 or more full-time scientists—

''(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

''(II) who provide testimony with respect to such physical evidence to the criminal justice system;

''(ii) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

''(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

''(B) medical examiner's office (as defined by the National Association of Medical Examiners) that—

''(i) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

''(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.''.

(c) PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

''PART BB—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS

''SEC. 2801. GRANT AUTHORIZATION.

''The Attorney General shall award grants to States in accordance with this part.

''SEC. 2802. APPLICATIONS.

''To request a grant under this part, a State shall submit to the Attorney General—

''(1) a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 2804(a), and a specific description of the manner in which the grant will be used to carry out that plan;

''(2) a certification that any forensic science laboratory system, medical examiner's office, or coroner's office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations; and

''(3) a specific description of any new facility to be constructed as part of the program described in paragraph (1), and the estimated costs of that facility, and a certification that the amount of the grant used for the costs of the facility will not exceed the limitations set forth in section 2804(c).

''SEC. 2803. ALLOCATION.

''(a) IN GENERAL.—

''(1) POPULATION ALLOCATION.—Seventy-five percent of the amount made available to carry out this part in each fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this part for that fiscal year as the population of the State bears to the population of all States.

''(2) DISCRETIONARY ALLOCATION.—Twenty-five percent of the amount made available to carry out this part in each fiscal year shall be allocated pursuant to the Attorney General's discretion to States with above average rates of part 1 violent crimes based on the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

''(3) MINIMUM REQUIREMENT.—Each State shall receive not less than 0.6 percent of the amount made available to carry out this part in each fiscal year.

''(4) PROPORTIONAL REDUCTION.—If the amounts available to carry out this part in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

''(b) STATE DEFINED.—In this section, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

''(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

''(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

''SEC. 2804. USE OF GRANTS.

''(a) IN GENERAL.—A State that receives a grant under this part shall use the grant to carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

''(b) PERMITTED CATEGORIES OF FUNDING.—Subject to subsections (c) and (d), a grant awarded under this part—

''(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

''(2) may not be used for any general law enforcement or nonforensic investigatory function.

''(c) FACILITIES COSTS.—

''(1) STATES RECEIVING MINIMUM GRANT AMOUNT.—With respect to a State that receives a grant under this part in an amount that does not exceed 0.6 percent of the total amount made available to carry out this part for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

''(2) OTHER STATES.—With respect to a State that receives a grant under this part in an amount that exceeds 0.6 percent of the total amount made available to carry out this part for a fiscal year—

''(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

''(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

''(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the total amount of a grant awarded under this part may be used for administrative expenses.

''SEC. 2805. ADMINISTRATIVE PROVISIONS.

''(a) REGULATIONS.—The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this part, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 2802.

''(b) EXPENDITURE RECORDS.—

''(1) RECORDS.—Each State, or unit of local government within the State, that receives a grant under this part shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

''(2) ACCESS.—The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this part, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

''SEC. 2806. REPORTS.

''(a) REPORTS TO ATTORNEY GENERAL.—For each fiscal year for which a grant is awarded under this part, each State that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

''(1) a summary and assessment of the program carried out with the grant;

''(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency; and

''(3) such other information as the Attorney General may require.

''(b) REPORTS TO CONGRESS.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit

to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

''(1) the aggregate amount of grants awarded under this part for that fiscal year; and

''(2) a summary of the information provided under subsection (a).''.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

''(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

''(A) $35,000,000 for fiscal year 2001;

''(B) $85,400,000 for fiscal year 2002;

''(C) $134,733,000 for fiscal year 2003;

''(D) $128,067,000 for fiscal year 2004;

''(E) $56,733,000 for fiscal year 2005; and

''(F) $42,067,000 for fiscal year 2006.''.

(B) BACKLOG ELIMINATION.—There is authorized to be appropriated $30,000,000 for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and for other related purposes, as provided in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001.

(3) TABLE OF CONTENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the table of contents.

(4) REPEAL OF 20 PERCENT FLOOR FOR CITA CRIME LAB GRANTS.—Section 102(e)(2) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(2)) is amended—

(A) in subparagraph (B), by adding ''and'' at the end; and

(B) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

SEC. 3. CLARIFICATION REGARDING CERTAIN CLAIMS.

(a) IN GENERAL.—Section 983(a)(2)(C)(ii) of title 18, United States Code, is amended by striking ''(and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 2(a) of Public Law 106–185.

SEC. 4. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribonucleic acid testing (referred to in this section as ''DNA testing'') has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in this country;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of the proceedings.

Amend the title to read as follows: ''A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.''.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be considered read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4345) was agreed to.

The bill (S. 3045), as amended, was read the third time and passed.

RECOGNIZING THAT THE BIRMINGHAM PLEDGE HAS MADE A SIGNIFICANT CONTRIBUTION IN FOSTERING RACIAL HARMONY

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.J. Res. 102, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4347

Mr. BROWNBACK. 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 Kansas (Mr. BROWNBACK), for Mr. SESSIONS, proposes an amendment numbered 4347.

The amendment reads as follows:

Whereas Birmingham, Alabama, was the scene of racial strife in the United States in the 1950s and 1960s;

Whereas since the 1960s, the people of Birmingham have made substantial progress toward racial equality, which has improved the quality of life for all its citizens and led to economic prosperity;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950s and 1960s, a present-day grassroots movement has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas that grassroots movement has found expression in the Birmingham Pledge, which was authored by Birmingham attorney James E. Rotch, is sponsored by the Community Affairs Committee of Operation New Birmingham, and is promoted by a broad cross section of the community of Birmingham;

Whereas the Birmingham Pledge reads as follows:

''I believe that every person has worth as an individual.

''I believe that every person is entitled to dignity and respect, regardless of race or color.

''I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

''Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

''I will discourage racial prejudice by others at every opportunity.

''I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.'';

Whereas commitment and adherence to the Birmingham Pledge increases racial harmony by helping individuals communicate in a positive way concerning the diversity of the people of the United States and by encouraging people to make a commitment to racial harmony;

Whereas individuals who sign the Birmingham Pledge give evidence of their commitment to its message;

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of Congress, Governors, State legislators, mayors, county commissioners, city council members, and other persons around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute, Birmingham, Alabama, as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is ''Sign It, Live It'', is a powerful tool for facilitating dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

Mr. SESSIONS. Mr. President, I rise today to offer an amendment in the nature of a substitute to H.J. Res. 102, recognizing the ''Birmingham Pledge'' and its author, Birmingham attorney James E. Rotch, for the contributions it and he have made to healing wounds of racial prejudice that still, unfortunately, divide segments of our society. The Birmingham Pledge is a powerful declaration that has had a profound impact on those who have heard or seen it. It uses words of conviction and purpose that promote racial harmony by helping people communicate about racial issues in a positive way and by encouraging people to make a commitment to racial harmony. By affixing our signatures to the message conveyed by these words, we are, in effect, saying to the world that we stand for freedom and equality for all, regardless of race or color. Further, we are saying that we will not tolerate discrimination leveled at anyone simply because of their race or color. The words of the Pledge are as follows:

I believe that every person has worth as an individual. I believe that every person is entitled to dignity and respect, regardless of race or color. I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others. Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions. I will discourage racial prejudice by others at every opportunity. I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.

These words do not reflect any new science or ground-breaking theory, instead they reflect the time-honored principles, not always followed, that have made this country the greatest example of individual liberty and freedom the world has ever known.

The words of the Birmingham Pledge are reflective of those used by Thomas Jefferson in penning the Declaration of Independence so may years ago. Jefferson wrote that ''all Men are created equal, [and] that they are endowed by their Creator with certain unalienable Rights.'' That language is clear. Thousands of citizens in Birmingham and Alabama and throughout this country and the world have recommitted themselves to these principles, and by offering this Pledge to the rest of the country, we ask everyone else to be rededicated to them, too. By signing this pledge, people make an outward showing of that commitment. Again, that is why I, on behalf of my constituents, offer this Joint Resolution. In addition to calling us to our uniquely American heritage, the words of the Birmingham Pledge also recognize Birmingham's unfortunate history as a site of significant civil rights confrontation. The Pledge conveys, as does the city's political and economic reality, that Birmingham has moved forward from that difficult time in its history to a more complete embrace of the principles embodied in this Pledge. Indeed, the city has experienced an astonishing measure of social, political, and economic progress in recent years.

More than 70,000 people around the world have seen the merit of the Birmingham Pledge and signed it because they thought it was the right thing to do. Those signing it include the President, Members of Congress, Governors, state legislators, mayors, county commissioners, city council members, clergymen, students, and the list goes on. The point is, a broad cross-section of our society has embraced the high principles conveyed in the Birmingham Pledge because they see it as a powerful tool to facilitate dialogue on racial issues and additionally as a way for people to take personal steps to achieve racial harmony and tolerance in the communities in which they live. This Resolution simply recognizes the good work that the Birmingham Pledge has already accomplished, and the potential it has for further progress in this important area of our national and international life. In order to increase awareness of the Birmingham Pledge and to further its message, this resolution calls for the establishment of a National Birmingham Pledge Week. Setting aside such a period of time to further the message of the Birmingham Pledge and to celebrate the marked progress we have made in the area of racial harmony would be a fitting way to recognize the influence the Pledge is having on race relations in communities all across America and around the world.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment to the joint resolution be agreed to, and the joint resolution, as amended, be read the third time and passed, the amendment to the preamble and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

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

The amendment (No. 4347) was agreed to.

The joint resolution (H.J. Res. 102), as amended, was read the third time and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

CORRECTING ENROLLMENT OF THE BILL S. 1474

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 156, submitted by Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 156) to make a correction in the enrollment of the bill S. 1474.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 156) was agreed to, as follows:

S. CON. RES. 156

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1474) providing for the conveyance of the Palmetto Bend project to the State of Texas, the Secretary of the Senate shall make the following correction:

In section 7(a), insert ''not'' after ''shall''.

MINORITY HEALTH AND HEALTH DISPARITIES RESEARCH AND EDUCATION ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Health Committee be discharged from further consideration of S. 1880, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1880) to amend the Public Health Service Act to improve the health of minority individuals.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4349

Mr. BROWNBACK. Mr. President, Senator FRIST has a substitute amendment at the desk for himself and others.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK) for Mr. FRIST, for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. DEWINE, Ms. MIKULSKI, Mr. ENZI, Mr. WELLSTONE, Mr. HUTCHINSON, Mrs. MURRAY, Ms. COLLINS, Mr. AKAKA, Mr. BOND, Mr. LAUTENBERG, Mr.

HATCH, Mr. CLELAND, and Mr. SESSIONS, proposes an amendment numbered 4349.

The PRESIDING OFFICER. Without objection, reading of the amendment is dispensed with.

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

Mr. FRIST. Mr. President. Every day, through personal experience or the news, we are reminded of the tremendous scientific advances that have been made in medicine; but unfortunately, millions of Americans still experience serious disparities in health outcomes as a result of ethnicity, race, gender, or a lack of access to health care services.

Recent studies have demonstrated that minority populations, in addition to having lower rates of health care access, exhibit poorer health outcomes and may have higher rates of HIV/AIDS, diabetes, infant mortality, death from cancer and heart disease, and other health problems. For example, when compared to whites, the mortality rate for prostate cancer is nearly twice that for black men; and while African Americans make up only 13 percent of our nations's population, they represented 49 percent of AIDS deaths in 1998. Further, compared to whites, the prevalence of diabetes in Hispanic individuals is nearly double. In my home state of Tennessee, African Americans have an infant mortality rate nearly three times that of white Tennesseans, and Tennessee's African Americans suffer from heart disease at one and a half times that rate of whites and are twice as likely to suffer a stroke.

The Jackson Sun recently published an investigative report, ''What's Killing Us?: The Color of Death 10 Years Later,'' which analyzes health data specific to West Tennessee. The report highlighted that, ''[African Americans] in West Tennessee die at a much higher rate—370 percent higher for hypertension for example—than whites with the same diseases,'' and made it clear that we have failed to close the gap between death rates for black and white citizens over the last ten years. West Tennessee is a snapshot of what is happening around the country, and the lessons apply broadly. The report provides key lessons to improve health that are applicable to all Americans including the need for targeted research, improved education and public awareness, increased prevention measures, and better access to care.

However, health disparities are not limited to minority communities. Medically underserved populations located in rural Appalachia, which include significant portions of my home state of Tennessee, exhibit health disparities consistent with minority populations. In rural Appalachia, where only one doctor exists for every 1,025 patients, white males between 35 and 64 are 19 percent more likely to die of heart disease than their counterparts elsewhere in the country, and white Appalachian women are 21 percent more likely to die of heart disease. Moreover, barriers to care are undermining thee health of many communities, including rural areas where poverty and the lack of a health care infrastructure often inhibit the ability to prevent or treat health care conditions.

In order to address the issue of health disparities, in June of this year the National Institutes of Health (NIH) announced that it began the administrative process to elevate the current NIH Office of Research on Minority Health to a center. In July, I held a Public Health Subcommittee hearing, ''Health Disparities: Bridging the Gap,'' to focus on how to address minority health disparities and what measures we should take to improve minority health.

During this hearing, the Subcommittee examined health care disparities among minorities, rural and underserved populations, and women. Witnesses ranging from the Administration to experts representing the minority and underserved communities testified that a Center on Minority Health and Health Disparities is needed to focus national attention on this unrelenting problem. My friend and fellow Tennessean, Dr. John Maupin, President of Meharry Medical College of Nashville, said it best when he testified that ''ethnic minority and medically underserved populations continue to suffer disproportionately from virtually every disease and we can no longer sit idly by without addressing this national crisis.''

Today, I am pleased to introduce the Minority Health and Health Disparities Research and Education Act of 2000, with Senators KENNEDY and JEFFORDS. The Minority Health and Health Disparities Research and Education Act will expand research and education for the biomedical, behavioral, economic, institutional, and environmental factors contributing to health disparities in minority and medically underserved populations.

This legislation establishes a National Center on Minority Health and Health Disparities at NIH; a grant program through the new Center to further biomedical and behavioral research, education, and training; an endowment program to facilitate minority and other health disparities research at centers of excellence; and an extramural loan repayment program to train members of minority or other health disparities populations as biomedical research professionals.

This bill also directs the Agency for Healthcare Research and Quality (AHRQ) to conduct and support research to identify populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access, as well as the causes and barriers to reducing health disparities. Additionally, AHRQ is able to identify, test, and evaluate strategies for reducing or eliminating health disparities; develop measures and tools for the assessment and improvement of the outcomes, quality, and appropriateness of health care services; and increase the number of researchers who are members of health disparity populations, or the health services research capacity of institutions that train such researchers.

Furthermore, this Act provides resources under the Health Resources and Services Administration for research and demonstration projects for the training and education of health professionals in reducing disparities in health care outcomes. A national campaign to inform the public and a plan for the dissemination of information and findings under all Titles of the Act is also established under the bill.

Health disparities may be the result of many factors, including limited access to prevention and treatment services, poverty and socioeconomic factors, exposure to environmental toxins, and even cultural factors. Turning our back on these disparities would be a national failure. Every Tennessean and every American deserves the best quality of health regardless of their race, ethnicity, sex, or where they live. With the concerted efforts of those supporting this bill, I'm certain that we can take the necessary steps to reverse our nation's health disparities.

I am pleased that the Minority Health and Health Disparities Research and Education Act is supported by Meharry Medical College in Nashville, Tennessee; East Tennessee State University (ETSU) in Johnson City, Tennessee; Morehouse School of Medicine in Atlanta, Georgia; and the Association of Minority Health Professions Schools. Dr. Ronald Franks of ETSU wrote of his support for this legislation because it identifies ''health populations as a priority in the nation's health agenda and the recognition of the health disparities in the Appalachian region.''

Mr. President, I would like to express my gratitude to Dr. John Maupin of Meharry Medical College, and Dr. Ronald Franks and Dr. Bruce Behringer of East Tennessee State University for their dedication to helping the minority and medically underserved populations in Tennessee and for their counsel and assistance on this legislation. I would also like to thank my colleagues for their work and dedication to this issue, and I look forward to the enactment of the bill this year.

Mr. KENNEDY. Mr. President, I strongly support passage of the Minority Health and Health Disparities Research and Education Act of 2000. I commend Senator FRIST for his leadership on the issue of health disparities in our minority and underserved communities. I also commend the many Senators on both sides of the aisle who worked hard to ensure that the principles of equal justice and opportunity apply to health care. Health care

should be a basic right. With our current economic prosperity and the extraordinary recent advances in medicine, we should be able to guarantee that right to all Americans.

The extraordinary advances in health care in recent decades have not been shared by all our citizens. Minority communities suffer disproportionately from higher rates of death from cancer, stroke, and heart disease, as well as from higher rates of HIV/AIDS, diabetes, and other severe health problems. Africa American men who contract prostate cancer are more than twice as likely to die from it as white men. Vietnamese American women are five times more likely than white women to contract cervical cancer. Hispanic women are twice as likely to contract cervical cancer. Native Hawaiian men are 13 percent more likely to contract lung cancer. Alaskan Native women are 72 percent more likely to contract colon cancer and rectal cancer. In addition, African Americans and Hispanic Americans are more likely to be diagnosed with cancer after the disease has reached an advanced stage. For African Americans, the result is a 35 percent higher death rate.

The reality of poverty clearly affects the nation's health. Nearly 20 million white Americans live below the poverty line and many live in rural areas such as Appalachia, where 46 percent of counties are designated as health professions shortage areas and high rates of poverty contribute to health disparity outcomes. The lack of a health care facilities or benefits often means poor health care and often a poor prognosis for what might have been a preventable or curable condition. In the Appalachia regions of Kentucky, Tennessee, and West Virginia, the rates of the five top causes of death in the U.S. all exceeded the national, average in 1997. Lack of availability and access to health care for poor and underserved regions often goes hand in hand with higher morbidity and mortality rates. Higher rates of heart disease in white males between the ages of 35 and 64 and cervical cancer in white females are also found in Appalachia. We must find better answers to identify and overcome the barriers to care that lead to dire outcomes in underserved communities.

While we have continued to make progress in the reduction of child poverty, child mortality, teenage pregnancy, and juvenile violence, we continue to see wide disparities by race and income, with communities of color and those in poverty lagging behind others. Infant mortality rate has declined nationally from 10.9 infant deaths for every 1,000 live births in 1983 to 7.2 in 1998. But among African Americans, the rate is 13.7—more than twice the rate of any other group. In addition, far too many people across this nation lack the health insurance that is necessary for access to basic health care. Over one-third of Hispanic Americans are uninsured, the highest rate among all ethnic groups and two and a half time the rate of 14% for whites. Nearly one-fourth of African Americans, and about one-fifth of Asian Americans are also uninsured.

In Massachusetts, significant progress has been made in improving the overall health status and access to health care. We are one of a handful of states in the country to devote the tobacco settlement money entirely to health care. Yet our significant commitment to health care is not translating into equal access or improved health status for all of our citizens. Health status differs by racial/ethnic group and by income group and the differences are reflected in the alarming discrepancy in mortality rates. The infant mortality rate for African-Americans is 11.7—over twice as high as the overall statewide rate of 5.3.

The same pattern exists for the HIV/AIDS-related mortality rate, which is more than six times greater for African-Americans and more than four times greater for Hispanics. African American women are more likely to lose their lives to breast cancer, and nearly six times a many Asian-American women and nearly two times as many Hispanic women have never taken a Pap test, which is essential in detection cervical cancer. Clearly, too many citizens are not benefitting from the advances made in science, medicine, and the economy.

The Minority Health and Health Disparities Research and Education Act addresses the biomedical, behavioral, economic, institutional, and environmental factors that have caused health disparities in communities of color and in undeserved communities around our nation. It provides needed resources for research, data collection, medical education, and public awareness, in order to understand the root causes of diseases and poor health outcomes and to develop strategies to meet the health needs of these vulnerable communities. Each of these aspects has an important role to play in the reduction and eventual elimination of the unacceptable disparities that now exist.

Title I of the bill establishes a Center for Research on Minority Health and Health Disparities at the National Institutes of Health. It also provides resources to educational institutions to train minority individuals as biomedical research professionals.

Title II focuses on identifying, evaluating, and disseminating information on the factors that contribute to health disparities.

Title III addresses the critical need for trained and culturally competent health care professionals by providing resources to develop effective educational support.

Title IV enhances the collection of data on race and ethnicity to determine what steps the federal government should take to ensure that all necessary information is collected.

Title V provides funding for a public awareness and information campaign to inform minority communities of the health conditions that are affecting them disproportionately and of the programs and services available to them.

Passage of the Minority Health and Health Disparities Research and Education Act demonstrates our strong commitment a healthier future for all our citizens. America has the resources to accomplish this goal and I urge the Senate to achieve it.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4349) was agreed to.

The bill (S. 1880), as amended, was passed.

THE AMERICAN MUSEUM OF SCIENCE AND ENERGY

Mr. BROWNBACK. I ask unanimous consent that the Senate proceed to the consideration of H.R. 4940, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4940) to designate the museum operated by the Secretary of Energy at Oak Ridge, Tennessee, as the American Museum of Science and Energy, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4348

Mr. BROWNBACK. Mr. President, Senators MURKOWSKI, FRIST, and BINGAMAN have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. MURKOWSKI, for himself, Mr. FRIST, and Mr. BINGAMAN, proposes an amendment numbered 4348.

The PRESIDING OFFICER. Without objection, reading of the amendment is dispensed with.

The amendment is as follows:

"SECTION 1. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.

''(a) IN GENERAL.—The Museum—

''(1) is designated as the 'American Museum of Science and Energy'; and

''(2) shall be the official museum of science and energy of the United States.

''(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Museum is deemed to be a reference to the 'American Museum of Science and Energy'.

''(c) PROPERTY OF THE UNITED STATES.—

''(1) IN GENERAL.—The name 'American Museum of Science and Energy' is declared the property of the United States.

''(2) USE.—The Museum shall have the sole right throughout the United States and its possessions to have and use the name 'American Museum of Science and Energy'.

''(3) EFFECT ON OTHER RIGHTS.—This subsection shall not be construed to conflict or interfere with established or vested rights.

"SEC. 2. AUTHORITY.

''To carry out the activities of the Museum, the Secretary may—

''(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

''(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

''(B) determined by the Secretary to be suitable and beneficial for use by the Museum;

''(2) operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items (including mementos, food, educational materials, replicas, and literature) that are—

''(A) relevant to the contents of the Museum; and

''(B) informative, educational, and tasteful;

''(3) collect reasonable fees where feasible and appropriate;

''(4) exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place;

''(5) consistent with guidelines approved by the Secretary, lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines; and

''(6) use the proceeds of activities authorized under this section to pay the costs of the Museum.

"SEC. 3. MUSEUM VOLUNTEERS.

''(a) AUTHORITY TO USE VOLUNTEERS.—The Secretary may recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.

''(b) STATUS OF VOLUNTEERS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), service by a volunteer under subsection (a) shall not be considered Federal employment.

''(2) EXCEPTIONS.—

''(A) FEDERAL TORT CLAIMS ACT.—For purposes of chapter 171 of title 28, United States Code, a volunteer under subsection (a) shall be treated as an employee of the government (as defined in section 2671 of that title).

''(B) COMPENSATION FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States Code, a volunteer described in subsection (a) shall be treated as an employee (as defined in section 8101 of title 5, United States Code).

''(c) COMPENSATION.—A volunteer under subsection (a) shall serve without pay, but may receive nominal awards and reimbursement for incidental expenses, including expenses for a uniform or transportation in furtherance of Museum activities.

"SEC. 4. DEFINITIONS.

''For purposes of this Act:

''(1) MUSEUM.—The term 'Museum' means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Energy or a designated representative of the Secretary.''

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4348) was agreed to.

The bill (H.R. 4940), as amended, was passed.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. BROWNBACK. Mr. President, in executive session, I ask unanimous consent that the following nominations be discharged from the respective committees and, further, the Senate proceed to their consideration, en bloc, along with the following nominations on the calendar. They are as follows:

From the Governmental Affairs Committee, Don Harrel and Thomas Fink;

From the Foreign Relations Committee, Marc Nathanson, Norman Pattiz, Tom Korologos, and Robert Ledbetter;

On the calendar, Nos. 547, 548, 549, 642, 643, 700, 701, 702, and 703.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, 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:

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Don Harrell, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2002.

Thomas A. Fink, of Alaska, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2003.

BROADCASTING BOARD OF GOVERNORS

Marc B. Nathanson, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001.

Marc B. Nathanson, of California, to be Chairman of the Broadcasting Board of Governors.

Norman J. Pattiz, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001.

Tom C. Korologos, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001.

Robert M. Ledbetter, Jr. of Mississippi, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003.

UNITED STATES POSTAL SERVICE

Alan Craig Kessler, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2008.

OFFICE OF PERSONNEL MANAGEMENT

Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics for a term of five years.

FEDERAL LABOR RELATIONS AUTHORITY

Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2004.

BROADCASTING BOARD OF GOVERNORS

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003.

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003.

PEACE CORPS

Mark L. Schneider, of California, to be Director of the Peace Corps.

THE JUDICIARY

John Ramsey Johnson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Gerald Risher, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

POSTAL RATE COMMISSION

George, A. Omas, of Mississippi, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Daily Digest

HIGHLIGHTS

Senate passed Continuing Resolution.

Senate passed Older Americans Act Authorization.

The House passed H.J. Res. 116, Making Further Continuing Appropriations.

The House agreed to H.R. 4942, District of Columbia Appropriations Conference Report.

The House agreed to H.R. 2614, Small Business Development Conference Report.

Senate

Chamber Action

Routine Proceedings, pages S11027–S11192

Measures Introduced: Nine bills and one resolution were introduced, as follows: S. 3243–3251, and S. Con. Res. 156. **Page S11131**

Measures Reported:

S. 876, to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience, with an amendment in the nature of a substitute. (S. Rept. No. 106–509) **Page S11131**

Measures Passed:

Cardiac Arrest Survival Act: Senate passed H.R. 2498, to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices, after agreeing to the following amendment proposed thereto: **Page S11041**

Jeffords (for Frist) Amendment No. 4344, in the nature of a substitute. **Page S11041**

Needlestick Safety and Prevention Act: Senate passed H.R. 5178, to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970, clearing the measure for the President. **Pages S11041–43**

Older Americans Act Authorization: By a unanimous vote of 94 yeas (Vote No. 285), Senate passed H.R. 782, to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, after taking action on the following amendment proposed thereto: **Pages S11035–41, S11055–64, S11088–97**

Rejected:

By 25 yeas to 69 nays (Vote No. 284), Gregg Amendment No. 4343, to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, and to modernize programs and services for older individuals. **Pages S11035–41, S11055–64, S11088–95**

Continuing Resolution: By 94 yeas to 1 nay (Vote No. 287), Senate passed H.J. Res. 116, making further continuing appropriations for the fiscal year 2001, clearing the measure for the President. **Page S11098**

Los Angeles Unified School District Authority Extension: Senate passed H.R. 5083, to extend the authority of the Los Angeles Unified School District to use certain park lands in the city of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes, clearing the measure for the President. **Page S11180**

Black Patriots Foundation Legislative Authority Extension: Senate passed H.R. 4957, to amend the

Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work, clearing the measure for the President. **Page S11180**

Frederick Douglass Memorial: Senate passed H.R. 5331, to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass, clearing the measure for the President. **Page S11180**

U.S. Park Police Medical Expenses: Senate passed H.R. 4404, to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, clearing the measure for the President. **Page S11181**

Grants To Find Missing Adults (Kristen's Act): Senate passed H.R. 2780, to authorize the Attorney General to provide grants for organizations to find missing adults, clearing the measure for the President. **Page S11181**

Freedmen's Bureau Records Preservation Act: Senate passed H.R. 5157, to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau, clearing the measure for the President. **Page S11184**

Paul Coverdell National Forensic Sciences Improvement Act: Committee on the Judiciary was discharged from further consideration of S. 3045, to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S11184–87**

Brownback (for Sessions) Amendment No. 4345, in the nature of a substitute. **Pages S11185–87**

Birmingham Pledge Fostering of Racial Harmony and Reconciliation: Committee on the Judiciary was discharged from further consideration of H.J. Res. 102, recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and the resolution was then passed, after agreeing to the following amendments proposed thereto: **Pages S11187–88**

Brownback (for Sessions) Amendment No. 4346, in the nature of a substitute. **Pages S11187–88**

Brownback (for Sessions) Amendment No. 4347, to amend the preamble. **Pages S11187–88**

Enrollment Correction: Senate agreed to S. Con. Res. 156, to make a correction in the enrollment of the bill S. 1474, a bill providing conveyance of the Palmetto Bend project to the State of Texas. **Page S11188**

Public Health Service Act Amendment: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 1880, to amend the Public Health Service Act to improve the health of minority individuals, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S11188–90**

Brownback (for Frist) Amendment No. 4349, in the nature of a substitute. **Pages S11188–90**

American Museum of Science and Energy: Senate passed H.R. 4940, to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the "American Museum of Science and Energy", after agreeing to the following amendment proposed thereto: **Pages S11190–91**

Brownback (for Murkowski) Amendment No. 4348, in the nature of a substitute. **Pages S11190–91**

National Energy Security Act: Senate withdrew a motion to proceed to consideration of S. 2557, to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly. **Page S11104**

Subsequently, Senate began consideration of a motion to proceed to consideration of the bill. **Page S11104**

Small Business Tax Act Conference Report: Senate began consideration of the conference report on H.R. 2614, to amend the Small Business Investment Act to make improvements to the certified development company program. **Pages S11098–S11100, S11104**

During consideration of this measure today, Senate also took the following action:

By 55 yeas to 40 nays (Vote No. 286), Senate agreed to a motion to proceed to consideration of the conference report. **Pages S11097–98**

Miscellaneous Trade and Technical Corrections Act: Senate concurred in the amendment of the House to the Senate amendment to H.R. 4868, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, clearing the measure for the President. **Pages S11155–80**

Military and Extraterritorial Jurisdiction Act: Senate concurred in the amendments of the House to S. 768, to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States, clearing the measure for the President. **Pages S11181–84**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the national emergency with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs. (PM–136) **Pages S11128–29**

Nominations Confirmed: Senate confirmed the following nominations:

Alan Craig Kessler, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2008.

Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics for a term of five years.

Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2004.

Mark L. Schneider, of California, to be Director of the Peace Corps.

Norman J. Pattiz, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001.

John Ramsey Johnson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Marc B. Nathanson, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001. (Reappointment)

Marc B. Nathanson, of California, to be Chairman of the Broadcasting Board of Governors. (New Position)

Don Harrell, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2002.

Gerald Fisher, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

George A. Omas, of Mississippi, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2006. (Reappointment)

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. (Reappointment)

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. (Reappointment)

Thomas A. Fink, of Alaska, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2003. (Reappointment)

Tom C. Korologos, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001. (Reappointment)

Robert M. Ledbetter, Jr. of Mississippi, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. **Pages S11085, S11191**

Nominations Received: Senate received the following nominations:

Isaac C. Hunt, Jr., of Ohio, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2005. (Reappointment)

Gerald S. Segal, of Pennsylvania, to be a Member of the National Council on Disability for a term expiring September 17, 2003.

S. Elizabeth Gibson, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

1 Army nomination in the rank of general.

Routine list in the Army. **Pages S11083–85**

Nominations Withdrawn: Senate received notification of the withdrawal of the following nominations:

Marc Lincoln Marks, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006. (Reappointment), which was sent to the Senate on June 8, 2000. **Page S11085**

Messages From the President: **Pages S11128–29**

Messages From the House: **Pages S11129–30**

Communications: **Pages S11130–31**

Statements on Introduced Bills: **Pages S11131–37**

Additional Cosponsors: **Page S11137**

Amendments Submitted: **Page S11137**

Additional Statements: **Pages S11124–27**

Enrolled Bills Presented: **Page S11130**

Privileges of the Floor: **Page S11155**

Record Votes: Four record votes were taken today. (Total—287) **Pages S11095–98**

Recess: Senate convened at 9:32 a.m., and recessed at 9:53 p.m., until 9:30 a.m., on Friday, October 27, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11083.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 24 public bills, H.R. 5562–5585; and 2 resolutions, H. Res. 655–656, were introduced. **Pages H11206–07**

Reports Filed: Reports were filed today as follows.

Supplemental Report on Contempt of Congress Report on the Refusals to Comply with Subpoenas Issued by the Committee on Resources (H. Rept. 106–801, Part 2);

Non-binding Legal Effect of Agency Guidance Documents (H. Rept. 106–1009);

H.R. 3033, to direct the Secretary of the Interior to make certain adjustments to the boundaries of Biscayne National Park in the State of Florida, amended (H. Rept. 106–1010);

H.R. 1142, to ensure that landowners receive treatment equal to that provided to the Federal Government when property must be used (H. Rept. 106–1011);

H.R. 4340, to simplify Federal oil and gas revenue distributions (H. Rept. 106–1012); and

H.R. 3160, to reauthorize and amend the Endangered Species Act of 1973 (H. Rept. 106–1013). **Pages H11205–06**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Pease to act as Speaker pro tempore for today. **Page H11197**

Journal: Agreed to the Speaker's approval of the Journal of Wednesday, Oct. 25 by a yea and nay vote of 300 yeas to 67 nays with 1 voting "present". **Pages H11197–98, H11203–04**

Further Continuing Appropriations Resolutions: The House passed H.J. Res. 116, making further continuing appropriations for the fiscal year 2001 by a recorded vote of 392 ayes to 10 noes, Roll No. 561. **Pages H11264–65**

H. Res. 646, the rule that provided for consideration of the joint resolution was agreed to on Oct. 25, 2000.

Small Business Development Conference Report: The House agreed to the conference report on H.R. 2614, to amend the Small Business Investment Act to make improvements to the certified development company program by a yea and nay vote of 237 yeas to 174 nays with 1 voting "present", Roll No. 560. **Pages H11243–64**

H. Res. 652, the rule that waived points of order against the conference report was agreed to by a recorded vote of 207 ayes to 200 noes, Roll No. 556. Agreed to order the previous question by a yea and nay vote of 209 yeas to 195 nays, Roll No. 555. **Pages H11209–30**

District of Columbia Appropriations Conference Report: The House agreed to the conference report on H.R. 4942, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001 by a yea and nay vote of 206 yeas to 198 nays, Roll No. 562. **Pages H11265–97**

H. Res. 653, the rule that waived points of order against the conference report was agreed to by a recorded vote of 212 ayes to 192 noes, Roll No. 558 Agreed to order the previous question by a yea and nay vote of 214 yeas to 194 nays, Roll No. 557. **Pages H11230–41**

Presidential Message—Significant Drug Traffickers Centered in Colombia: Read a message from the President wherein he transmitted his periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia—referred to the Committee on International Relations and ordered printed (H. Doc. 106–305). **Page H11297**

Consideration of Suspensions: The House agreed to H. Res. 651, providing for consideration of motions to suspend the rules by a yea and nay vote of 221 yeas to 190 nays, Roll No. 559. **Pages H11241–43**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Immediate Termination of DOD Military Working Dog Euthanasia Process: Agreed to the Senate amendment to H.R. 5314, to require the immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs—clearing the measure for the President; and **Pages H11302–03**

Wakpa Sica Reconciliation Place: H.R. 5528, amended, to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota. Agreed to amend the title. **Pages H11327–49**

Suspensions Proceedings Postponed: The House completed debate on the following motions to suspend the rules. Further proceedings were postponed.

International Malaria Control: S. 2943, amended, to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; **Pages H11297–H11302**

Cardiac Arrest Survival: Agree to the Senate amendment to H.R. 2498, to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices; **Pages H11303–17**

Release of Findings by FERC Concerning the Electricity Crisis in California: H. Res. 650, expressing the sense of the House with respect to the release of findings and recommendations by the Federal Energy Regulatory Commission regarding the electricity crisis in California; **Pages H11317–21**

Fire Administration Authorization: H. Res. 655, providing for the consideration of the bill H.R. 1550, to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001 and the Senate amendment thereto; **Pages H11321–27**

Reports Consolidation Act: S. 2712, to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies; **Pages H11349–51**

Ronald W. Reagan Post Office Building, West Melbourne, Florida: H.R. 5309, to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office Building''; **Pages H11351–52**

Robert S. Walker Post Office Millersville, Pennsylvania: S. 3194, to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office''; **Pages H11352–54**

Arthur ''Pappy'' Kennedy Post Office, Orlando, Florida: H.R. 4399, amended, to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office''; and **Page H11354**

Eddie Mae Steward Post Office, Jacksonville, Florida: H.R. 4400, amended, to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office''. **Pages H11354–55**

Call of the Private Calendar: Agreed that it be in order on Friday, October 27 to consider the call of the Private Calendar. **Page H11321**

Motion to Adjourn: Rejected the McNulty motion to adjourn by a yea and nay vote of 8 yeas to 349 nays, Roll No. 553. **Page H11198**

Senate Messages: Messages received from the Senate appear on pages H11198–99, H11230, and H11297.

Referrals: S. 1898 and S. 3239 were referred to the Committee on the Judiciary, S. 783 was referred to the Committees on Judiciary and Government Reform, S. 3137 was referred to the Committee on Government Reform, and S. Con. Res. 153 was referred to the Committee on International Relations. **Page H11204**

Quorum Calls—Votes: Seven yea and nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H11298, H11203–04, H11229, H11229–30, H11240–41, H11241, H11242–43, H11263–64, H11265, and H11296–97. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 10:33 p.m.

Committee Meetings

No committee meetings were held.

Joint Meetings

DC/COMMERCE/JUSTICE/STATE/JUDICIARY APPROPRIATIONS ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 4942, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and contains fiscal year 2001 Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations.

CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2614, to amend the Small Business Investment Act to make improvements to the certified development company program.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1127)*

H.R. 1509, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States. Signed October 24, 2000. (P.L. 106–348)

H.R. 3201, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site. Signed October 24, 2000. (P.L. 106–349)

H.R. 3632, to revise the boundaries of the Golden Gate National Recreation Area. Signed October 24, 2000. (P.L. 106–350)

H.R. 3676, to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California. Signed October 24, 2000. (P.L. 106–351)

H.R. 4063, to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California. Signed October 24, 2000. (P.L. 106–352)

H.R. 4275, to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness. Signed October 24, 2000. (P.L. 106–353)

H.R. 4386, to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV). Signed October 24, 2000. (P.L. 106–354)

H.R. 4613, to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program. Signed October 24, 2000. (P.L. 106–355)

H.R. 5036, to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park. Signed October 24, 2000. (P.L. 106–356)

S. 1849, to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System. Signed October 24, 2000. (P.L. 106–357)

H.J. Res. 115, making further continuing appropriations for the fiscal year 2001. Signed October 26, 2000. (P.L. 106–358)

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 27, 2000

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the **SENATE**

9:30 a.m., Friday, October 27

Senate Chamber

Program for Friday: Senate will resume consideration of the conference report on H.R. 2614, Small Business Tax Act, and may consider District of Columbia Appropriations Conference Report, and any other cleared legislative and executive business.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Friday, October 27

House Chamber

Program for Friday: Consideration of H.J. Res. 117, Making Further Continuing Appropriations (closed rule, one hour of debate) and

Consideration of Contempt of Congress Report on the Refusals to Comply with Subpoenas Issued by the Committee on Resources (H. Rept. 106–801).

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